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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Seventeenth Year of the Reign of His Majesty
KING GEORGE V

Being the First Session of the Seventeenth
Legislature of Ontario

1927

BEGUN AND HOLDEN AT TORONTO ON THE SECOND DAY OF FEBRUARY
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED
AND TWENTY-SEVEN



ONTARIO

214 253
FEB 7 1927

HIS HONOUR WILLIAM DONALD ROSS
LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by the Printer to the King's Most Excellent Majesty
1927

STATUTES

PROVINCE OF ONTARIO

Second Session Year of the Reign of His Majesty
KING GEORGE V



ONTARIO

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17 GEORGE V

CHAPTER 1.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1927, and for the Public Service of the financial year ending the 31st day of October, 1928.

Assented to 5th April, 1927.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by message from His Honour Preamble, William Donald Ross, Esq., Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of October, 1927, and for the financial year ending the 31st day of October, 1928, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

1. From and out of the Consolidated Revenue Fund of \$5,328.
this Province, there may be paid and applied a sum not granted for
exceeding in the whole Five million, three hundred and 534.27
twenty-eight thousand, five hundred and thirty-four dollars
and twenty-seven cents towards defraying the several charges
and expenses of the public service of this Province, not otherwise
provided for, from the 1st day of November, 1926, to the
31st day of October, 1927, as set forth in Schedule "A"
to this Act.

2. From and out of the Consolidated Revenue Fund of \$44,546.
this Province, there may be paid and applied a sum not granted for
exceeding in the whole Forty-four million, five hundred and 141.62
forty-six thousand, one hundred and forty-one dollars and
sixty-two cents towards defraying the several charges and
expenses of the public service of this Province, not otherwise
provided for, from the 1st day of November, 1927, to the
31st day of October, 1928.

31st day of October, 1928, as set forth in schedule "B" to this Act.

Accounts
to be laid
before
Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1926-27, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1927-28 and of all expenditures under Schedule "B" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Approp-
riations for
1926-27 un-
expended
to lapse.

4. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1927, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Approp-
riations for
1927-28 un-
expended
to lapse.

5. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1928, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off.

Accounting
for ex-
penditure.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A".

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and twenty-seven, to defray expenses of:

Prime Minister's Department..	\$562,500 00
Legislation	1,000 00
Attorney-General's Department	7,355 30
Insurance Department.....	1,000 00
Education Department.....	1,915,143 39
Lands and Forests Department.	280,300 00
Northern Development Depart- ment.....	1,500 00
Mines Department.....	24,552 00
Game and Fisheries Department	62,460 00
Public Works Department.....	1,390,328 37
Highways Department.....	35,016 25
Health Department.....	5,000 00
Labour Department.....	169,000 00
Provincial Treasurer's Depart- ment.....	86,080 00
Provincial Secretary's Depart- ment.....	629,318 16
Agriculture Department.....	100,380 80
Miscellaneous.....	57,600 00
<hr/>	
Total estimates for expenditure of 1926- 1927.....	\$5,328,534 27

SCHEDULE "B".

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and twenty-eight, to defray expenses of:

Lieutenant-Governor's Office...	\$5,450 00
Prime Minister's Department..	15,800,100 00
Legislation	376,100 00
Attorney-General's Department	2,059,785 00
Insurance Department.....	47,050 00
Education Department.....	7,429,052 00
Lands and Forests Department.	2,326,725 00
Northern Development Depart- ment.....	501,700 00
Mines Department.....	358,550 00
Game and Fisheries Department	517,635 00
Public Works Department.....	1,216,330 62
Highways Department.....	525,725 00
Health Department.....	734,875 00
Labour Department.....	2,512,980 00
Provincial Treasurer's Depart- ment.....	634,550 00
Provincial Auditor's Office.....	88,750 00
Provincial Secretary's Depart- ment.....	6,342,904 00
Agriculture Department.....	2,471,880 00
Miscellaneous.....	596,000 00

Total estimates for expenditure of 1927-

1928.....\$44,546,141 62

CHAPTER 2.

An Act for Raising Money on the Credit of the
Consolidated Revenue Fund.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title

Loan of
\$40,000,000
authorized.

1. This Act may be cited as *The Ontario Loan Act, 1927.*

2. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding forty million dollars (\$40,000,000) for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, for the carrying on of the public works authorized by the Legislature and for redeeming in whole or in part the outstanding debentures of the Province of Ontario that have been issued free of succession duty.

Terms to be
fixed by
Lieutenant-
Governor.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
fund.

Rev. Stat.,
c. 21.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 4 of *The Provincial Loans Act.*

Commencement
of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 3.

An Act to provide for the Consolidation of the
Statutes of Ontario.*Assented to 5th April, 1927.*

WHEREAS by commission issued by the Lieutenant-Governor in Council, dated the 30th day of October, A.D. 1924, the Honourable William Edward Middleton, the Honourable Hugh Thomas Kelly, the Honourable William Nassau Ferguson and the Honourable Robert Smith, Justices of the Supreme Court of Ontario, His Honour James Gamble Wallace, Judge of the County Court of the County of Oxford, the Honourable, the Attorney-General for the Province of Ontario; Kenneth W. McKay, Esquire, Editor, of the City of St. Thomas, Allan Malcolm Dymond, Edward Bayly and William Bruce Wilkinson, Esquires, of His Majesty's Counsel, learned in the law, were appointed Commissioners for the purpose of consolidating the public statutes of this Province and the said the Honourable William Edward Middleton was appointed Chairman, and the said Allan Malcolm Dymond and William Bruce Wilkinson were appointed Secretaries of the Commission; and whereas the said Commissioners have revised and consolidated the said statutes and the same have been completed except so far as alterations and additions are rendered necessary by legislation of the present session; and whereas it is in the public interest that the said consolidation should as soon as practicable, and prior to the holding of another session of this Legislature, be issued and authorized as the Revised Statutes of this Province;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** As soon as the said Commissioners shall report, in writing, signed by a majority of them and by the Chairman, the completion of the said consolidation, including therein such Acts and parts of Acts passed during the present session as the Lieutenant-Governor may deem advisable to be included, the Lieutenant-Governor may cause a printed Roll thereof, attested by his signature and countersigned by the

Printed roll to be deposited with Clerk of Legislative Assembly.

Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Assembly.

~~Schedule
of Acts,
repealed.~~

2. There shall be appended to the said Roll a Schedule similar in form to schedule "A" appended to *The Revised Statutes of 1914*, showing the Acts and parts of Acts which are embodied in the said Roll and showing in the third column thereof the extent to which the Acts and parts of Acts in the said schedule are from the time of the coming into force of the Revised Statutes contained in the said Roll to be repealed; and the Commissioners may include in the said Schedule all Acts and parts of Acts which though not expressly repealed, were superseded by the Acts so consolidated, or are inconsistent therewith, and all parts of such Acts which were for a temporary purpose the force of which is spent.

~~Powers
of Commiss-
ioners as to
alterations.~~

3. The said Commissioners in consolidating the said statutes may make such alterations in their language as are requisite in order to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what they deem to be the intention of the Legislature or to reconcile seemingly inconsistent enactments, or to correct clerical or typographical errors; the said Commissioners may also direct that any of the enacting clauses in the said statutes may be printed in special type, and that any of the sections which in the Revised Statutes of 1914, are in special type may be printed among the enacting clauses.

~~Pro-
clamation
declaring
statutes in
force.~~

4. The Lieutenant-Governor in Council after the deposit as aforesaid of the said Roll may by proclamation declare the day from and after which the same shall come into force and have effect as law by the designation of "The Revised Statutes of Ontario, 1927."

~~Effect of
proclama-
tion.~~

5. On and from such day the same shall accordingly come into force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and from such day; and on and from the same day all the enactments in the several Acts and parts of Acts in the said Schedule mentioned shall so far as they relate to this Province stand and be repealed to the extent mentioned in the third column of the said schedule save only as hereinafter is provided.

~~Repeal not
intended to
extend to
Acts over
which Dom-
inion Parlia-
ment has
jurisdiction.~~

6. Such repeal shall not be construed as intended to extend to such of the provisions of the said Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the said Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect.

7. Except as otherwise provided in this Act the rules of construction and interpretation declared by the Revised Statutes to be applicable in the construction and interpretation of the Statutes of Ontario shall apply to the said Revised Statutes and to this Act.

8. Any reference in any former Act remaining in force or in any instrument or document, to any Act or enactment so repealed shall, after the Revised Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Revised Statutes having the same effect as such repealed Act or enactment.

9. The insertion of any Act in the said Schedule "A" shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

10. Copies of the said Revised Statutes as printed by the King's Printer, shall be received as evidence of the said Revised Statutes in all courts and places whatsoever.

11. The laws relating to the distribution of the printed copies of the statutes shall not apply to the said Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Lieutenant-Governor in Council may direct.

12. This Act shall be printed with the Revised Statutes and shall be subject to the same rules of construction as the said Revised Statutes.

13. Any chapter of the Revised Statutes may be cited and referred to in any Act or proceeding whatever, either by its title as an Act, or by its short title, or by using the expression "The Revised Statute respecting _____" (adding the remainder of the title given at the beginning of the particular chapter), or by using the expression "The Revised Statutes of Ontario, 1927, Chapter _____" (adding the number of the particular chapter in the copies printed by the King's Printer).

14. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 4.

An Act to Add the District of Patricia to the
Territorial District of Kenora.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

District of
Patricia
annexed to
Kenora.

1. This Act may be cited as *The Patricia Act, 1927.*
2. That part of the Province of Ontario hereinafter described and heretofore known as the District of Patricia is hereby annexed to and shall form part of the Territorial District of Kenora and shall for judicial purposes form part of the Provisional Judicial District of Kenora to be known as the "Patricia Portion" thereof, that is to say, the territory described as follows:

Commencing at the most northerly point of the westerly boundary of the Province of Ontario as determined by *The Canada (Ontario) Boundary Act, 1889*, chapter 28 of the statutes of 1889 of the United Kingdom (the said westerly boundary being the easterly boundary of the Province of Manitoba); thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence northeasterly in a right line to the most eastern point of Island Lake, as shown in approximate latitude fifty-three degrees thirty minutes and longitude ninety-three degrees forty minutes on the railway map of the Dominion of Canada, published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay; thence easterly and southerly follow-

ing the shore of the said Bay to the point where the northerly boundary of the Province of Ontario as established under the said Act intersects the shore of James Bay; thence westward along the said boundary as established by the said Act to the place of commencement.

3. The Lieutenant-Governor in Council may by proclamation at any time and from time to time detach the whole or any portion of the above described territory from the Territorial District of Kenora and may in like manner annex the whole or such part thereof to any other territorial or provisional judicial district, or may designate the whole of the above described territory or any part thereof as a separate territorial district or provisional judicial district, and nothing in this Act contained shall restrict the powers of the Lieutenant-Governor in Council under this section.

4. In the event of the whole or any part of the above described territory being detached from the District of Kenora and annexed to any other territorial or provisional judicial district, or being erected into a separate provisional judicial district, the Lieutenant-Governor in Council may make such regulations as may from time to time be deemed necessary as to,—

- (a) the establishment or jurisdiction of the district court;
- (b) the constitution and territorial jurisdiction of the division courts in such annexed territory or new provisional judicial district;
- (c) the transfer of books, plans and documents to the office of land titles in the district to which such territory is annexed or to the land titles office of the new provisional judicial district;
- (d) the transfer of books, plans and documents to the registry office of the district to which such territory is annexed or to the registry office of the new provisional judicial district; and
- (e) any matter incidental to the necessary adjustment occasioned by such annexation or the erection of such new provisional judicial district;

the intent and purpose of this section being that the Lieutenant-Governor in Council, in the event of any such annexation, or the erection of any such new provisional judicial district, may make all appointments, issue all commissions and proclamations, give all such directions and make all such

regulations and generally do whatever would be necessary and proper to be done upon the transfer of territory from one judicial district to another or upon the erection of a new provisional judicial district as to the administration of justice, registered dealings with land in the land titles office or registry office, and all other matters necessary to be dealt with thereon.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 5

An Act to amend The Voters' Lists Act, 1926.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Voters' Lists Act, 1927.* Short title.
2. Subsection 1 of section 9 of *The Voters' Lists Act, 1926*,<sup>1926, c. 3,
s. 9, sub. 1,</sup> is amended by striking out the words "one copy" in the tenth amended line, and substituting therefor the words "ten copies."
3. This Act shall come into force on the day upon which Commencement of Act it receives the Royal Assent.

CHAPTER 6.

An Act to amend The Ontario Public Service Superannuation Act, 1920.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Public Service Superannuation Act, 1927.*

1920, c. 4,
amended.

2. *The Ontario Public Service Superannuation Act, 1920,* is amended by adding thereto the following sections:

Payment of
allowance
when em-
ployee is
incapable.

22a. Where a person to whom an allowance is payable under this Act is, in the opinion of the Board, incapable of managing his affairs, the Board shall have power to pay such allowance to his committee or, if there be no committee, to a member of his family.

Election
of present
employee as
between
Fund and
Teachers'
and
Inspectors'
Fund.

31a.—(1) Every employee who is at the time of the passing of this Act a contributor to the Teachers' and Inspectors' Superannuation Fund shall make his election in writing addressed to the secretary of the Public Service Superannuation Board before the 1st day of July, 1927, as to whether he will remain a contributor to such fund or will become a contributor to and entitled to share in the benefits of the fund established under this Act, and if he elects to become a contributor to the fund established under this Act he shall cease on the 1st day of July, 1927, to be a contributor to, or be entitled to the benefits of the Teachers' and Inspectors' Superannuation Fund and shall become subject to the provisions of this Act.

Election by
employees
appointed
after 1st of
July, 1927.

(2) Every person who becomes an employee by reason of his appointment as an inspector of schools or as a teacher on or after the 1st day of July, 1927, and who is at the time of such appointment, or who is entitled by reason of such appointment to be a contributor to

the Teachers' and Inspectors' Superannuation Fund, shall within thirty days after such appointment make his election in writing addressed to the secretary of the Public Service Superannuation Board as to whether he will contribute to the fund established under this Act or to the Teachers' and Inspectors' Superannuation Fund, and if he is at the time of such election a contributor to the Teachers' and Inspectors' Superannuation Fund and elects to be a contributor to the fund established under this Act he shall cease to be a contributor to or be entitled to the benefits of the Teachers' and Inspectors' Superannuation Fund.

- (3) An employee who is a contributor to the Teachers' and Inspectors' Superannuation Fund and who elects under the provisions of subsection 1 or subsection 2 to become a contributor to the fund established under this Act, shall not by reason of such election be disentitled to the return of any contribution made by him to the Teachers' and Inspectors' Superannuation Fund, and if he has been employed for a term sufficient to entitle him to retire from the teaching profession and withdraw his contributions from that fund his contributions may be returned to him in the same manner as if he were retiring from the profession, and he shall contribute to the fund established under this Act as from the date of his appointment or from the 1st day of November, 1920, whichever is the later date, the like percentage of his salary as he would have been required to contribute had he been in the public service on the 15th day of June, 1920, or had he entered the service after that date.
- (4) The Public Service Superannuation Board may give directions respecting the contributions required to be made by any employee electing to become a contributor to the fund established under this Act and providing for the distribution of any sums due in respect to the years prior to such election over such term as the board may deem proper.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 7.

An Act to amend The Provincial Loans Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 21,
amended.

Power
to cancel
debentures,
etc., ac-
quired on
sinking fund
account.

1. *The Provincial Loans Act* is amended by adding thereto the following section:

7a. The Treasurer of Ontario may cancel any or all debentures, bonds and other securities of the Province of Ontario which come into his hands through purchase for sinking fund, or otherwise, and upon cancellation such debentures, bonds and other securities shall cease to be a charge upon the Consolidated Revenue Fund.

Commencement
of
Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 8.

An Act to amend The Corporations Tax Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Corporations Tax Act*, Short title. 1927.

2. The clause lettered “c” in subsection 3 of section 4 of *The Corporations Tax Act*, as amended by section 5 of *The Corporations Tax Act, 1920*, is repealed.

3. Subsection 12 of section 4 of *The Corporations Tax Act* Rev. Stat. c. 27, s. 4, as enacted by section 6 of *The Corporations Tax Act, 1915*, is subs. 12, (1915, c. 8, amended by adding thereto the following clause:

(b) In estimating the paid-up capital of a company within the meaning of this subsection all sums of money raised by the company by the issue of debentures, and all sums loaned or advanced to the company by any other company shall be included.

4. Subsection 13 of section 4 of *The Corporations Tax Act* Rev. Stat. c. 27, s. 4, as enacted by section 2 of *The Corporations Tax Act, 1914*, is subs. 13 (1914, c. 11, repealed and the following substituted therefor: s. 2), repealed.

(13) Every company, including a railway company carrying on the business of an express company over a railway in Ontario shall pay a tax of \$800 for each one hundred miles or fraction thereof.

5. Subsection 15 of section 4 of *The Corporations Tax Act*, Rev. Stat. c. 27, s. 4, as enacted by section 6 of *The Corporations Tax Act, 1920*, and subs. 15, amended by section 3 of *The Corporations Tax Act, 1925*, is amended by striking out of the first paragraph thereof all the figures and words commencing with the figures \$7,500 and substituting therefor the words and figures “\$5,000 but the Lieutenant-Governor in Council may at any time increase such tax to a sum not exceeding \$10,000 per day,” so that the

first paragraph of the subsection when so amended will read as follows:

Tax on
race tracks.

(15) Every incorporated company, association or club-owning or operating or using a race track and holding a race meeting shall pay in advance before such race meeting for each day of such meeting a tax of \$5,000 but the Lieutenant-Governor in Council may at any time increase such tax to a sum not exceeding \$10,000 per day.

Rev. Stat.
c. 27, s. 4.
subs. 16a
(1922, c. 12,
s. 3, subs. 2),
Tax Act, 1922, and sections 4 and 5 of The Declaratory Act,
(1922, c. 13,
ss. 4 and 5); 1922,
repealed.

6. Subsection 16a of section 4 of *The Corporations Tax Act* as enacted by subsection 2 of section 3 of *The Corporations Tax Act, 1922*, and sections 4 and 5 of *The Declaratory Act, 1922*, are repealed and the following substituted therefor:

Tax on bets
and stakes
on racing.

(16a) Every holder of a winning ticket issued under the pari-mutuel system upon a race run at any race meeting conducted by an incorporated company, association or club shall pay a tax of five per cent. upon the amount which would be payable to him if no percentage were deducted or retained by the company, association or club in respect of such race, and the said tax shall be collected by the incorporated company, association or club as the agent of the Treasurer of Ontario by deducting from the total amount bet or wagered upon such race a sum equal to five per cent. of the amount so bet or wagered, and the company, association or club shall pay such sum over to the Treasurer of Ontario at the close of each day's racing.

Commencement of
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 9.

An Act respecting the Taxation of Mines
and Natural Gas.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Mining Tax Act, 1927.* Short title.
 2. In this Act,— Interpretation.
- (a) “Mine” shall mean any opening in or working of the ground from or by which metalliferous ore or other solid mineral substance is taken, and shall include the mining claim, mining location, or other the whole parcel of land or mineral in which any such workings are being or have been carried on, but the term “mineral substance” or “mineral workings” shall not include limestone, marl, peat, clay, building stone, or stone for ornamental or decorative purposes, or non-auriferous sand or gravel;
 - (b) “Mine Assessor” shall mean and include any officer of such designation appointed under the authority of this Act, and any other officer or person appointed or directed by the Minister to perform any duty or exercise any power or authority by this Act specified or provided to be performed or exercised by a mine assessor; R.S.O. 1914, c. 26, s. 2 (a, b). “Mine Assessor.”
 - (c) “Minister” shall mean Minister of Mines; 1921, c. 11, s. 2. “Minister.”
 - (d) “Output” when used in reference to a mine shall mean all ores or other solid mineral or mineral-bearing substances raised, taken or gained from any mine or land in Ontario, and which have been sold, or have been removed from the mining premises where produced, or have been treated or partially treated “Output.”

treated at any smelter, mill, or refinery on the mining premises from which they were taken;

"Person." (e) "Person" shall include corporation, company, syndicate, trust, firm, partnership, co-owners, or party, and the heirs, executors, administrators, or other legal representatives of such person if the context can apply thereto;

"Preceding year." (f) "Preceding year" shall mean the year ending on the 31st day of December next before the time when the taxes hereby imposed are payable. R.S.O. 1914, c. 26, s. 2 (d-f).

IMPOSITION, ACCRUAL AND PAYMENT OF TAXES.

Tax to be paid to Crown.

3. There shall be paid to His Majesty for the uses of Ontario in and for each and every year, at the time and in the manner hereinafter provided, the several taxes in this Act specified. R.S.O. 1914, c. 26, s. 3. *Amended.*

Accrual of tax.

4. The taxes imposed by this Act shall be deemed to accrue on the 1st day of January of the year in which the same are payable, and shall become payable on the 1st day of October in each year and shall be paid to the Minister. R.S.O. 1914, c. 26, s. 4.

PART I.

Tax on profits.

5.—(1) Every mine in Ontario, the annual profits of which exceed \$10,000 shall be liable for and the owner, manager, holder, tenant, lessee, occupier, and operator of the same shall pay an annual tax as follows:—

(a) Three per centum on the excess of annual profits of such mine above \$10,000 and up to \$1,000,000;

(b) Five per centum on the excess above \$1,000,000 and up to \$5,000,000; six per centum on the excess above \$5,000,000 and up to \$10,000,000; seven per centum on the excess above \$10,000,000 and up to \$15,000,000, and on the annual profits above \$15,000,000 a percentage or percentages increasing in like progression.

Mines worked together.

(2) For the purpose of this section all mines and mineral workings in Ontario occupied, worked or operated by the same person, or under the same general management or control, or the profits of which accrue to the same person, shall, for the purpose of determining whether there is liability

to taxation hereunder, be deemed to be and be dealt with as one and the same mine, and not as separate mines.

(3) The annual profits shall be ascertained and fixed in the following manner, that is to say: The gross receipts from the year's output of the mine, or in case the ore, mineral or mineral-bearing substance or any part thereof is not sold, but is treated by or for the owner, tenant, holder, lessee, occupier, or operator of the mine upon the premises or elsewhere, then the actual market value of the output, at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the mine assessor shall be ascertained, and from the amount so ascertained, the following, and no other, expenses, payments, allowances or deductions, shall be deducted and made, that is to say:

- (a) The actual cost of transportation of any output sold if paid or borne by the owner, tenant, holder, lessee, occupier, or operator;
- (b) The actual and proper working expenses of the mine, both underground and above ground, including salaries and wages of necessary superintendents, captains, foremen, workmen, firemen, enginemen, labourers, and employees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine, and in immediate connection with the operation thereof;
- (c) The cost of supplying power and light, and of hire of horses used in the mining operation or in handling the ore or mineral;
- (d) The actual cost price of food and provisions for all employees aforesaid, whose salaries or wages are made less by reason of being furnished therewith, and of fodder for horses used as above mentioned;
- (e) The actual cost price of explosives, fuel, and any other supplies necessarily consumed in the mining operations;
- (f) Any actual and proper outlay incurred in safeguarding or protecting the mine or mineral product;
- (g) The cost of proper insurance upon the output if paid or borne by the owner, tenant, holder, lessee, occupier or occupant and upon the mining plant, ma-

chinery, equipment, and buildings used for or in connection with the actual mining operations, or for storing the ore or mineral;

- (h) An allowance of a sum for annual depreciation, by ordinary wear and tear, of the said plant, machinery, equipment, and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency, and in no case to exceed for any year fifteen per centum of the value at the commencement of such year, such value to be appraised by the mine assessor;
- (i) The cost of actual work done in sinking new shafts, making new openings, workings, or excavations of any kind, or of stripping or trenching, in or upon the lands upon which the mine is situated, or upon any other lands belonging to the same owner, lessee, holder, tenant, occupier, or operator in Ontario, such work having for its object the opening up or testing for ore or mineral; Provided, however, that such expenditure is *bona fide*, and actually made or borne by the person or persons liable, or who would but for this provision be liable to taxation upon the said mine under this Act, and that separate accounts of such expenditure are kept and an affidavit or affidavits giving reasonable details of the nature, extent, and location of such work shall be furnished to the Department of Mines with the annual statement hereinafter provided for;
- (j) All taxes payable or profits taken under any Act of the Parliament of Great Britain and Ireland (in so far as the same are referable to operations carried on in Great Britain or Ireland) or of the Parliament of the Dominion of Canada, upon or from the profits of the mine or mining work or upon or from the profits made in smelting, refining or otherwise treating any of the products of the mine or mineral work.

Capital not deducted.

- (4) No allowance or deduction shall in any case be made for cost of plant, machinery, equipment, or buildings, nor for capital invested, nor for interest or dividend upon capital, or stock or investment, nor for depreciation in the value of the mine, mining land, or mining property by reason of exhaustion or partial exhaustion of the ore or mineral, but this shall not restrict the generality of anything hereinbefore in this section contained.

(5) For the purpose of this section, unless a contrary intention appears, the operations, business, matters, and things carried on, occurring, or existing during the preceding year shall be taken as the basis of fixing, assessing, and ascertaining the taxation hereunder, but the tax payable shall nevertheless be deemed to be a tax for the calendar year in which it is payable. 1924, c. 10, s. 2.

Based on
preceding
year.

6.—(1) The owner, lessee, tenant, holder, occupier, manager, and operator of every mine from which ore, minerals, or mineral-bearing substances is or are being taken, shall within ten days after the commencement of such active operations, notify the Department of Mines of the fact that such mine is in active operation, and shall give in such notice the name of the mine, and the name and address of the owner, lessee, tenant, holder, occupier, manager, and operator of such mine, and the name and address of the manager, or of some other person, to whom notices to be given under this Act may be sent (to be known as the name and address for service), and shall forthwith notify such Department of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation, or operation of such mine, and of every discontinuance of active operations, and of every recommencement thereof after discontinuance. R.S.O. 1914, c. 26, s. 6 (1); 1921, c. 11, s. 4.

(2) From the information so given, and from any other List of mines available source, the Department of Mines shall prepare and keep a list showing all operating mines in Ontario, with the names and addresses and particulars as so notified and given (keeping in a distinct and separate column or place the name and address for service), and any notice or requisition required or provided for by this Act shall be deemed to have been properly and sufficiently given, and served if mailed by registered letter to the person whose name and address for service have been given, at such address, or, in case such a name and address be not so notified, then if mailed by registered letter to the address which the official or person sending the notice or requisition thinks most likely to reach the proper person. R.S.O. 1914, c. 26, s. 6 (2); 1921, c. 11, s. 4.

7. No person shall ship, send, take, or carry away, or permit to be shipped, sent, taken, or carried away from the mine from which the same has been taken, any ore, mineral, or mineral-bearing substance, or any product thereof, until such person has notified the Department of Mines that the mine from which the same has been taken is in active operation. R.S.O. 1914, c. 26, s. 7; 1921, c. 11, s. 4.

Shipping
forbidden
before notice.

Statement
to be
furnished.

8.—(1) Every person liable to pay the tax imposed by section 5 shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 1st day of March in every year, deliver to the Department of Mines a detailed statement in which shall be set forth,—

- (a) the name and description of the mine;
- (b) the name and address of the person or persons owning, holding, leasing, managing, occupying and operating the same;
- (c) the quantity of ore, minerals, and mineral-bearing substances shipped or sent from or treated on the mining premises during the year ending 31st December last preceding;
- (d) the name or names of the smelter or mill and locality to which the same or any part thereof was sent;
- (e) the cost per ton for transportation to the smelter, refinery, or mill, and actual, proper, and necessary expenses of making sale, if any, and by whom paid or borne;
- (f) the cost per ton for smelter or mill charges, and by whom paid or borne;
- (g) the quantity of ore, minerals, and mineral-bearing substances treated on the mining premises during the said year;
- (h) the value of the ore, minerals, and mineral-bearing substances shipped after deducting the charges for making sales, and for transportation or for treatment;
- (i) the value of the ore, minerals, and mineral-bearing substances treated on the mining premises.

And such statement shall also show in another column or columns, with reasonable detail, the various expenses, payments, allowances, and deductions which are proper to be made under the provisions of subsection 3 of section 5; and such statement shall show by way of summary the total receipts or market value at the pit's mouth of the year's output, as in this Act specified, and the total amount of expenses, payments, allowances, and deductions proper under this Act to be deducted therefrom, and the balance of profits

for the year as in this Act provided, and may also show the amount or approximate amount of municipal income tax to be deducted under the provisions of section 14. R.S.O. 1914, c. 26, s. 8 (1); 1921, c. 11, s. 4.

(2) Such statement and information required by this section shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier, or operator of such mine; but the Department of Mines or any mine assessor may require such information and statement, or any part thereof, to be given or verified under oath by any other or others of such persons, or by any person connected with the ownership, operation, or management of any such mine, and may in addition to the particulars above detailed require any other information, particulars, or statements that may be thought expedient, and such requisition or requisitions may be made at any time or times the same may be deemed proper. R.S.O. 1914, c. 26, s. 8 (2); 1921, c. 11, s. 4.

(3) The Minister may enlarge the time for making such return or statement. R.S.O. 1914, c. 26, s. 8 (3).

9.—(1) Every person liable to pay the tax imposed by section 5 shall keep, at or near the mine, proper books of account of the ore, minerals, or mineral-bearing substances taken from the said mine, containing the quantity, weight, and other particulars of the same and the value thereof, and showing the returns from the smelter, mill, or refining works, or other returns of the amounts derived from the sale of such ores, minerals, and mineral-bearing substances; and no ore, mineral or mineral-bearing substance taken out of any mine shall be removed therefrom or treated at any smelter, mill or refining works until the weight thereof shall have been correctly ascertained and entered in the said books of account; and such person shall also keep proper books showing each of the several expenses, payments, allowances or deductions mentioned in subsection 3 of section 5, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the tax payable under section 5.

(2) If any doubt arises as to where such book or books shall be kept, or as to how many, or what books shall be kept, the mine assessor shall determine the number and character of books to be kept and the place or places at which they shall be kept. R.S.O. 1914, c. 26, s. 9.

MINE ASSESSOR AND HIS DUTIES.

10. The Lieutenant-Governor in Council may from time to time appoint one or more officers under this Act, to be known

known as a mine assessor or mine assessors, and the Minister may from time to time appoint any officer or person to perform for the time being, or to perform in any locality or in any special matter or case the duties of mine assessor, and every such officer or person shall be deemed an officer of the Department of Mines, and it shall be his duty, subject to the direction of said Minister, annually, and oftener if so required, to prepare lists and descriptions of and ascertain and report the facts and particulars concerning all mines, mining properties, and mining rights liable, or which might be liable, to taxation under this Act, and to furnish the same to the Department of Mines, and to make such investigations, and perform such other duties as are provided for by this Act, or as may be prescribed by the said Minister. R.S.O. 1914, c. 26, s. 10; 1921, c. 11, s. 4.

Assessor may enter mines.

11. It shall be at all times lawful for any mine assessor to enter upon mining premises for the purpose of making enquiries, obtaining information, and otherwise performing his duties under this Act, and for any of these purposes he may descend all pits and shafts and use all tackle, machinery, appliances, and things belonging to the mine as he shall deem necessary or expedient, and he shall have free ingress and egress to, from, and over all buildings, erections, and vessels used in connection with the workings, and he shall from time to time be allowed to take from the said mining premises such samples or specimens as he may desire for the purpose of determining by assay or otherwise the value of the ore, minerals, or mineral-bearing substances being taken therefrom, or any product thereof, and he shall have full and complete access to all books of account and letters kept or used for or in connection with the work and business of such mine, and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by any assessor under the provisions of this section shall not be communicated or disclosed to anyone except so far as may be necessary for the purposes of this Act. R.S.O. 1914, c. 26, s. 11.

TAX ROLLS AND APPEALS.

Preparation of tax roll.

12.—(1) The Department of Mines or any mine assessor or other officer or person acting under the direction of the Minister in that behalf shall, as soon as practicable after the receipt of the returns and statements mentioned in section 8, prepare from them and from the lists, statements and reports of the mine assessor a tax roll showing all mines and persons liable for the taxes imposed by section 5, and showing the quantity and value of output for each mine, the amount of deductions therefrom under the various headings as far as

practicable,

practicable, the profits for which each mine and person is assessable, and the amount of tax payable by each, also any deduction entitled to be made therefrom by reason of payment of municipal income tax. In making up the roll the statement furnished pursuant to section 8 shall be *prima facie* evidence of the information required; but any default or defect in the furnishing of such statement or any omission therefrom shall not prevent the complete preparation of the roll, but in all cases the officer or person charged with the duty of preparing said roll may, subject to the approval of the Minister, make full and careful enquiry as to the correctness thereof, and may resort to all available sources of information within his control, and may make or order a mine assessor to make any investigation he deems fit, and may fix such amount as he believes to be just and correct; provided that whenever a mine or person is assessed for a larger sum than the statement shows liability for, notice thereof shall be given to such person, and such person shall be entitled within fifteen days from the mailing of such notice to appeal from the said assessment as hereinafter provided. R.S.O. 1914, c. 26, s. 12 (1), 1921, c. 11, s. 4.

(2) When the time for filing such appeal has expired, the ^{Appeals.} cases appealed shall be marked or distinguished from the others on the said roll, and the roll shall thereupon be made up in duplicate, and the Minister shall by his signature authenticate the same as being the roll for the year, and subject to the determination of such appeals, and subject to any additions or alterations that may be made by or pursuant to any investigation that may be ordered or directed as herein-after provided, the said roll shall be final and conclusive as to the liability of the several mines and persons therein mentioned to pay the tax therein specified. R.S.O. 1914, c. 26, s. 12 (2).

(3) An appeal, as provided for in the first subsection of ^{Notice of} _{appeal.} this section, shall be made by lodging with the Department of Mines within the time limited a notice in writing, stating that the appellant thereby appeals from the tax in question, and stating as far as practicable the grounds of such appeal or the particulars of objection to the tax, and such appeal shall be referred in writing by the Minister to the Mining Court or to the Ontario Railway and Municipal Board, to be tried and determined. R.S.O. 1914, c. 26, s. 12 (3); 1921, c. 11, s. 4.

(4) The Minister, if in any case he sees fit, instead of having ^{Investigation in lieu of appeal.} the amount of the tax for any mine or person entered on the roll, as in the first paragraph of this section mentioned, may direct in writing that the amount of the tax for which such mine or person is liable shall be ascertained and fixed by

the Mining Court or by the Ontario Railway and Municipal Board; and the said Minister may at any time either before or after the said roll is made up and signed, and whether or not the mine or person in question is entered thereon for taxation, direct in writing that the truth or correctness of any statement furnished pursuant to section 8 of this Act, or that the question of liability or amount of liability of any mine or person for the tax under this Act, shall be enquired into and investigated and reported upon by the Mining Court or the Ontario Railway and Municipal Board.

Hearing of
appeal.

(5) The Mining Court or the Ontario Railway and Municipal Board shall upon receiving any such direction or reference as in subsection 3 or subsection 4 of this section mentioned, proceed to try and dispose of the appeal, or determine or enquire into and investigate the question or matter so referred or directed to be investigated, and for all and any of said purposes shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence, and produce documents and things, as is vested in any court in civil cases, and the decision of the Mining Court or the Ontario Railway and Municipal Board, after giving the parties an opportunity to be heard, shall for the purposes of this Act be final and conclusive as to the particulars therein mentioned, subject only as hereinafter in this section provided.

Costs.

(6) In any such proceedings or investigation, or on any appeal, the Mining Court or the Ontario Railway and Municipal Board may order the appellant, or the person causing the investigation by reason of false or incorrect statements, or failure to keep books and accounts or to otherwise conform to the provisions of this Act, to pay the costs of such appeal, proceeding or investigation, and may direct that the same be taxed by a taxing officer of the Supreme Court and added to the tax for which such person is liable under this Act; and in any case where the statement filed or furnished, pursuant to section 8, understates the amount on which the tax should be paid, the person making such false or incorrect statement shall pay double the tax to which he would otherwise be liable; but if it shall appear to the Mining Court or the Ontario Railway and Municipal Board that such understatement was not made with the intent or for the purpose of decreasing the amount of tax to be paid, but was made in good faith and with no improper motive, then in such case the Lieutenant-Governor in Council may, upon the recommendation of the Minister, remit so much of the added percentage and so much of the costs as may in his discretion seem just. R.S.O. 1914, c. 26, s. 12 (4-6).

(7) All decisions, findings and reports made pursuant to ^{Filing decision.} the last preceding subsection shall be filed with the Department of Mines, and notice of such filing shall forthwith thereafter be mailed by said Department of Mines to the owner or manager of the mine concerned. R.S.O. 1914, c. 26, s. 12 (7); 1921, c. 11, s. 4.

(8) In any case where the amount of the tax involved ^{Appeal to Appellate Division.} exceeds \$1,000 an appeal shall lie from any decision, finding or report of the Mining Court or the Ontario Railway and Municipal Board under this section to the Appellate Division; provided that notice of such appeal is lodged with the Department of Mines within fifteen days after the filing of said decision, finding, or report with the Department of Mines, and the procedure upon and governing such appeal shall be, as far as may be, the same as upon an appeal to the Appellate Division in an action, but leave shall not be necessary, and the decision of that Court shall be final. R.S.O. 1914, c. 26, s. 12 (8); 1921, c. 11, s. 4.

13. It shall be the duty of the Department of Mines, or ^{Notifying of tax.} the person charged with the collection of any tax imposed by section 5 to notify the owner or manager of the mine liable for such tax of the amount and time for payment thereof at least fifteen days prior to such date; but failure to comply with this provision shall not affect the liability for payment of any such tax at the time and in the manner in this Act provided; nor shall it prevent or affect the collection or enforcement thereof or the happening of any forfeiture or accrual of percentage or penalty for non-payment, or any other matter or thing whatsoever in this Act provided. R.S.O. 1914, c. 26, s. 13; 1921, c. 11, s. 4.

INCOME TAX MAY BE DEDUCTED.

14.—(1) Where a person liable for payment of a tax under section 5 in respect of a mine is also during any year in which such tax is payable liable for and paying to the municipality ^{Allowance for income tax paid to municipality.} or municipalities in which such mine is situate, a tax upon income derived from such mine, he shall be entitled to deduct from the amount of the tax payable under the said section 5 the amount of such municipal income tax to the extent of an amount equal to one and one-half per centum of the annual profits upon which the tax payable under section 5 is based until a sum is reached which at the said rate of one and one-half per centum will yield \$35,000 and on the amount of such income in excess of a sum yielding at the said rate \$35,000, he shall be entitled to deduct an amount equal to one per centum of the remainder of the total annual profits subject to tax under this Act; and provided further that

notice of the amount and proof of the liability for and payment of such municipal income tax is furnished to the mine assessor at such time and in such manner as he may require. *New.*

Limitation upon deduction for municipal income tax.

(2) The said deduction for municipal income tax shall be that amount or part only of the tax under section 5 which arises from or is referable to the mine or mineral workings or part thereof actually situate within the municipality to which the municipal income tax is payable, notwithstanding that another part of what is under that section liable to taxation as a single mine, exists outside the municipality, and the mine assessor may at all times require any additional statements or returns to be made that he may deem necessary for fixing the portion of tax referable to the municipality. 1921, c. 11, s. 5.

ACREAGE TAX.

15.—(1) Except as hereinafter provided,

Acreage tax.

- (a) every mining location and mining claim in unorganized territory in Ontario, held either mediately or immediately under patent granted or lease issued by the Crown under or pursuant to the provisions of any statute, regulation, or law at any time in force, authorizing the granting or leasing of Crown lands for mining purposes; and
- (b) all mining rights, whether of all kinds or only one or more kinds of mines or minerals howsoever granted or acquired, owned, or held under lease, agreement, or option, in any lands in Ontario, by any person not owning the surface rights in said lands;

shall be liable for, and the owner, holder, lessee and occupier thereof shall pay an acreage tax of five cents per acre in each year. R.S.O. 1914, c. 26, s. 15 (1); 1917, c. 7, s. 8.

Farmed land exempt.

(2) No such tax shall be payable in respect of such acreage as was during the preceding year actually and *bona fide* in use for farming purposes, or occupied by buildings, or reasonably required or used in connection with such farming or buildings; but this subsection shall not operate to exempt from taxation mining rights held apart from the surface rights as described in clause (b) nor shall there be any right to exemption unless a claim for such exemption has been made, and proof by affidavit or otherwise of the facts has been furnished to the Department of Mines not later than the 1st

Proviso.

day of March of the year in which the tax is payable, nor unless such claim for exemption shall have been approved in writing by the mine assessor. R.S.O. 1914, c. 26, s. 15 (2); 1921, c. 11, s. 4.

(3) No tax shall be payable under this section upon any Acreage tax separate tract or parcel of land not separated for the purpose not to be payable on parcel of less of avoiding the tax, which comprises less than ten acres. than ten acres.

(4) The decision of the mine assessor as to the right of Finality of exemption under this section shall be final and conclusive. assessor's decision. R.S.O. 1914, c. 26, s. 15 (3, 4).

16.—(1) The trustees of every school section in unorganized territory in Ontario, shall prepare a list of all mining locations, mining claims, mining rights, and other lands within their school section liable to said acreage tax, which shall be signed and certified by their secretary or secretary-treasurer, and shall forward the same to the Department of Mines on or before the 30th day of April in each year. R.S.O. 1914, c. 26, s. 16 (1); 1921, c. 11, s. 4.

(2) There shall be paid by the Treasurer of Ontario to the Payment to school trustees in unorganized districts to make list. said trustees for school purposes each year one-half of the fees of one-half of acreage tax amount certified by the Deputy Minister of Mines to have been received by Ontario for such acreage tax within said school section during the year, and it shall be the duty of the said Deputy Minister each year to certify such sum. R.S.O. 1914, c. 26, s. 16 (2).

ACREAGE TAX ROLL.

17.—(1) From the lists furnished as in the last preceding Acreage tax roll. section provided, from lists and information prepared by the mine assessor, and from records in the Department of Mines and in the Department of Lands and Forests, and any other source of information, the Deputy Minister of Mines, or any assessor charged with such duty, shall prepare each year a tax roll of properties and persons liable to the acreage tax imposed by section 15, but such roll shall at all times be subject to corrections or additions. R.S.O. 1914, c. 26, s. 17 (1); 1920, c. 12, s. 2; 1921, c. 11, s. 4.

(2) Any omissions or errors in such roll may by any person Correction of errors. be notified to the Department of Mines, and may at any time be supplied or corrected. R.S.O. 1914, c. 26, s. 17 (2); 1921, c. 11, s. 4.

18. Notwithstanding anything in the last preceding section, every person and property liable under section 15 for Liability for tax though not on roll.

payment of acreage tax shall be and continue so liable whether entered in such roll or not, and said tax shall without any notice or demand be payable at the time and in the manner by this Act provided. R.S.O. 1914, c. 26, s. 18.

Disputes and appeals.

19. In case of any question or dispute arising as to the liability of any person or property to the tax under section 15, the Minister may in writing refer such dispute or question to the Mining Court or the Ontario Railway and Municipal Board, and thereupon all the provisions of subsections 5, 6, and 7 of section 12 shall as far as may be apply thereto. R.S.O. 1914, c. 26, s. 19.

Procedure to enforce claim for payment of taxes by one co-owner against another.

20.—(1) Where lands liable to acreage tax under section 15 are held by two or more co-owners, and the whole of the taxes have been paid by one or more of such co-owners, and the other co-owner or co-owners has or have neglected or refused to pay his or their proportion of such taxes for a period of four years, the Mining Court, upon the application of the co-owner or co-owners who have paid such taxes, may make an order requiring the delinquent co-owner or co-owners to pay, within three months from the date of such order or such further time as the Court may fix, their proper proportion of such taxes to the co-owner or co-owners who have paid them.

Service of order.

Vesting of interest of delinquent owner.

(2) The order shall be served in such manner as the Court shall direct, and if at the expiration of the period fixed by the order it appears to the Court that the payment has not been made in accordance therewith, the Court may make an order vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid such taxes, and such order shall be registered in the proper registry or land titles office, and a duplicate original thereof forwarded by the said Court to the Minister of Mines.

"Co-owner," what to include.

(3) In this section "co-owner" or "co-owners" shall include "co-lessee" or "co-lessees" and "incorporated company and shareholder or shareholders therein," and in the case of a company, the order shall be directed to the company. 1922, c. 11, s. 2.

FORFEITURE FOR NON-PAYMENT.

Forfeiture for non-payment of tax.

21.—(1) The Deputy Minister of Mines shall prepare annually a list of all mines, mining locations, mining claims, mining lands and other lands and minerals in respect of which any tax by this Act imposed is two years or more in default, and, with the approval of the Minister, he shall cause a list of the mines, mining locations, mining claims, mining land or

lands or mineral rights in respect of which taxes are in arrear to be advertised within a period of five weeks in at least four issues of the *Ontario Gazette* and of one newspaper, if any, published in the district or county in which the property is situate, stating that unless the amount due with costs and expenses shall have been paid on or before a date to be in said advertisement specified, which day shall be either the 30th of June or the 31st of December, not less than six months nor more than a year after the first publication of said advertisement, said property shall upon the next day following the day so fixed become forfeited to and revested in the Crown. R.S.O. 1914, c. 26, s. 21 (1); 1920, c. 10, s. 2. *Amended.*

Advertise-
ments.

(2) If the taxes due, with costs and expenses, or any part thereof, remain unpaid until within four months of the day so fixed, the Deputy Minister shall, not later than two months prior to such day, mail or cause to be mailed by registered post to the person appearing from search or inquiry at the registry or land titles office to be the owner or last known owner of each property so in default, at what appears to the Deputy Minister to be the address or last known address of such person so far as he can reasonably ascertain it, notice specifying the total amount of taxes, costs, expenses, and penalties due or payable under this Act in respect of such property and stating that unless the same is paid on or before the day so fixed the property will be forfeited; and to the amount otherwise payable under this Act there shall in every such case be added and shall be paid as costs of such notice the sum of \$5 for each parcel of property. R.S.O. 1914, c. 26, s. 21 (2).

Notice to
persons in
default.

(3) If after publication of such advertisement and the mailing of the notice required by subsection 2, payment of the tax due in respect of any mine, mining location, mining claim, mining land, or other land or mining rights in said advertisement mentioned or described, together with all additions, penalties, and costs and the costs of advertising, is not made on or before the day fixed in said advertisement as the last day for payment, then on the next succeeding day after the day so fixed, or at any time thereafter the Minister may by a certificate under his hand and seal of office declare that such mine, mining location, mining claim, mining land, or other land or mining rights is forfeited to and vested in the Crown in right of the Province, and that the patent or lease whereby the said mine, mining location, mining claim, mining lands or other lands or mineral rights was or were granted or leased by the Crown or other title under which they are held is revoked and cancelled, and thereupon the premises comprised therein shall vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim, or

demand therein or thereto, whether existing, arising or accruing before or after such forfeiture shall be so declared. R.S.O. 1914, c. 26, s. 21 (3). *Amended.*

Forfeited land not open to location.

(4) No land or mining rights forfeited and vested in the Crown under this section shall be open to location, staking, or recording as a mining claim unless and until declared so open by Order in Council.

Registration of certificate of forfeiture.

(5) The registrar of any registry division in which any lot or parcel of land or mining rights included in a certificate of forfeiture given under this Act is or are situate, or the local master of titles, as the case may be, to whom the said certificate or any exemplification or certified copy thereof is tendered for registration shall duly receive and register the same against the land affected thereby. R.S.O. 1914, c. 26, s. 21 (4, 5).

Certificate of Minister to be final.

(6) The certificate of the Minister shall be absolute and conclusive evidence of the forfeiture to the Crown of the land so certified to be forfeited and shall not be open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture. *New.*

Registration of certificate.

(7) Any such certificate may be registered and thereupon *The Registry Act* shall cease to apply to the land affected thereby and the registrar shall note the fact in his abstract in red ink. *New.*

Machinery and property may be removed upon forfeiture.

22. Where any lands or mining rights have been forfeited to the Crown under this Act, the owner may take from them any machinery, chattels or personal property, and any ore or mineral he may have extracted therefrom belonging to him, within six months, after such forfeiture, or within such further time as may be fixed by the Mining Court, and in default of so doing, all such machinery, chattels, personal property, ore and mineral shall belong to His Majesty, for the use of Ontario. 1922, c. 11, s. 3.

Regrant of forfeited lands to owner.

23.—(1) The Minister may regrant any lands forfeited under this Act to the owner thereof at the time of such forfeiture or to his heirs, successors or assigns upon such terms as the Minister may deem just and the decision of the Minister upon any application for a regrant of such lands under this section shall be final and conclusive.

Order-in-Council revoking forfeiture.

(2) In lieu of such regrant the Lieutenant-Governor in Council may by order revoke, cancel or annul the forfeiture and such order shall be entered and registered in the proper land titles office or registry office and thereupon such lands

shall

shall be revested in the owner of the lands at the time of forfeiture, his heirs, successors or assigns subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. *New.*

24. Where lands heretofore forfeited to and vested in the Crown under this Act have been prior to such forfeiture assessed for school taxes and sold for the non-payment of such taxes, the Minister may cause an examination of such lands to be made, and where it is found upon such examination and report of an officer of the Department thereon that such lands are in use and occupation for agricultural purposes, or are suitable for the same, and are not valuable for minerals, the Minister of Lands and Forests, upon report of the Minister of Mines, may deal with such lands and dispose of them under *The Public Lands Act* to the purchaser thereof, if any, under such tax sale, or his representatives or assigns, freed and discharged from all claims for taxes imposed under this Act, but every patent issued for such lands shall be subject to any undischarged lien or encumbrance created by such tax purchaser, his representatives or assigns, and the mines and minerals in such lands shall be reserved, and the patent shall be so expressed. 1921, c. 11, s. 8.

Forfeited
lands sold
for non-
payment of
school
taxes.

Release
from tax.

25. In case any doubt or dispute arises as to the liability of any person to pay a tax or any portion of a tax demanded under this Act, or where owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Minister may compromise the matter by the acceptance of such amount as he may deem proper; and in case the tax claimed has been paid under protest, he may refund the same or any part thereof to the person making such payment. R.S.O. 1914, c. 26, s. 22.

Compro-
mise of tax

26. Where by any agreement heretofore made between the owner, holder, tenant, lessee, occupier, or operator of a mine and the Crown it is agreed that no tax shall be paid, such mine shall be exempt from the profit tax and acreage tax imposed by this Act. R.S.O. 1914, c. 26, s. 23.

Mine under
agreement

PART II.

NATURAL GAS.

27. All natural gas in Ontario shall be subject to a tax of two cents for every thousand feet flowing, drawn, or pumped from or produced by the well, but natural gas used for ordinary domestic purposes by the owner or occupier of the land on which the well producing the same is situate, or so used by two

Natural gas
subject to
tax.

Exception

OR

Tax on over-flow of natural gas. or more persons from a well jointly sunk by them for their own use on land owned by one or more of them, shall not be subject to such tax, except where the same exceeds \$5 in amount. R.S.O. 1914, c. 26, s. 24 (1).

Books to be kept.

28. The owner, lessee, tenant, operator, or occupier of every well shall keep a book continuously at some place in Ontario to be fixed by the mine assessor, in which shall be truly and faithfully recorded the total quantity of gas flowing, drawn, or pumped from, or produced by the well or wells operated by him. R.S.O. 1914, c. 26, s. 25.

Inspection of apparatus.

29.—(1) The mine assessor shall have the right, at any and all times, and from time to time, as often as he shall think fit, to inspect all apparatus and machinery used in connection with the well, for the purpose of estimating or ascertaining the quantity of gas flowing, drawn, or pumped from, or produced by any well.

And of books.

(2) He shall also have the right at all times to examine said books and to call for and examine all books, records, and memoranda, whether the same are required by law to be kept or not, kept by the owner, lessee, tenant, operator or occupier or any one or more of them, for the purpose of ascertaining the quantity of gas flowing, drawn, or pumped from or produced by any well; and the owner, lessee, tenant, operator, or occupier shall forthwith upon demand produce to the mine assessor all such books, records, and memoranda for the purposes aforesaid. R.S.O. 1914, c. 26, s. 26.

When meter to be affixed.

30. If the mine assessor has reason to believe that the amount of gas produced by the well is not correctly shown by the book required to be kept, or by other books, records or memoranda as aforesaid, he may direct that a meter shall be affixed by the owner, lessee, tenant, occupier or operator of every well to every main pipe or duct through which all the gas flowing, drawn or pumped from the well or wells shall pass, so as to indicate the total gross quantity of gas flowing, drawn or pumped from, or produced by such well or wells. R.S.O. 1914, c. 26, s. 27.

Defective meters to be remedied.

31.—(1) The meter may be inspected and tested, at any time or times, by or at the request of the mine assessor, as he shall think fit, for the purpose of ascertaining whether it correctly records the quantity of gas flowing, drawn or pumped from, or produced by the well or wells, and in case he shall find that the same is not truly recording the quantity of gas flowing, drawn or pumped from, or produced by such well or wells, he may by a writing under his hand order that the same shall be forthwith put in order so as to furnish a true

record, or he may order that a new meter shall forthwith be affixed to the pipe or duct; and the owner, lessee, tenant, operator or occupier shall forthwith cause the order to be obeyed.

(2) If the mine assessor finds that the meter is so placed ^{Meter not correctly placed.} that the total quantity of gas flowing, drawn or pumped from, or produced by the well or wells does not pass through the meter, he may by a writing under his hand order that the same shall be so placed that the whole of the gas proceeding from the well or wells shall pass through the same, and the owner, lessee, tenant, occupier or operator shall forthwith cause the order to be obeyed. R.S.O. 1914, c. 26, s. 28.

32. Every owner, tenant, lessee, operator and occupier of ^{Notice of operating wells.} a gas well or gas wells shall forthwith after the passing of this Act furnish to the Department of Mines a statement showing the wells operated by them or him, their location, the names and addresses of the owner, tenant, lessee, operator or occupier and the name and address of some person in Ontario to whom notices to be given under this Act may be sent and any order made by the mine assessor or any notice required to be given may be delivered to the owner, tenant, lessee, operator or occupier or to the person named for receiving notices, and if no such person is named, then to any manager, clerk, foreman or other person in the employment of the owner, tenant, lessee, operator or occupier at the well or in charge of the same, or to any manager or clerk at the office of the owner, tenant, lessee, operator or occupier. R.S.O. 1914, c. 26, s. 29; 1921, c. 11, s. 4.

33. Every owner, lessee, tenant, occupier and operator ^{Statement to be furnished by owner.} of any well or wells to which this Act applies, and every manager or superintendent thereof shall furnish to the Minister in each year on the 1st day of August and the 1st day of February a true statement under oath of the total quantity of gas which flowed, was drawn, or pumped from, or produced by, such well or wells during the six months ending the 30th day of June and the 31st day of December respectively immediately preceding such dates. R.S.O. 1914, c. 26, s. 30.

34.—(1) It shall be the duty of the mine assessor to examine the same, and ascertain whether or not the same is a true and correct statement of the quantity of gas which proceeded from the well or wells for such period, and if he finds the same to be correct, the quantity so stated shall be the quantity upon which the tax shall be computed for such period, and the mine assessor shall thereupon notify the owner, lessee, tenant, operator or occupier of the same.

Incorrect statement, amendment.

(2) If the mine assessor shall be of opinion that the same is incorrect, he shall notify the person furnishing the statement thereof, and in what particular the same is deemed to be incorrect, and, if the owner, lessee, tenant, occupier or operator assents thereto, the statement may be amended and re-sworn to, and when so amended the quantity so stated shall be the quantity upon which the tax shall be computed for such period.

Disputed statement.

(3) If the owner, lessee, tenant, operator or occupier disputes the notice so given, the dispute shall be heard by the Mining Court or the Ontario Railway and Municipal Board as the Minister shall direct, and such decision shall be final and conclusive, and the quantity so found shall be entered on the statement as the true quantity, and the tax for such period shall be computed thereon. R.S.O. 1914, c. 26, s. 31.

Date for payment of tax.

35.—(1) At the times specified in section 4, the owner, lessee, tenant, operator or occupier shall pay to the Minister the full tax for the quantity of gas shown in the statement as having proceeded from the well during the preceding year.

Settling disputes as to amount.

(2) If any dispute is then pending as to the true quantity, the tax shall nevertheless be paid on the amount shown in such statement, and as soon as such dispute has been determined by increasing the quantity, the remainder of the tax shall be forthwith paid, and if a less quantity is found to have proceeded from the well, the excess of the tax received shall be forthwith remitted to the person paying the tax. R.S.O. 1914, c. 26, s. 32.

Exemption of municipal corporation.

36. A municipal corporation shall not be required to pay any tax under Part II upon any gas actually used in Canada. R.S.O. 1914, c. 26, s. 33.

PART III.

PERCENTAGE, REMEDIES AND PENALTIES.

Ten per cent. to be added for default.

37.—(1) In case any tax by this Act imposed is not paid at the time in this Act provided, ten per centum shall forthwith be added thereto, and ten per centum shall be added at the expiration of each year thereafter that the tax remains unpaid, and the said increased amounts shall for all purposes be and become the tax due and payable under this Act.

Record of arrears to be kept.

(2) It shall be the duty of the Deputy Minister of Mines or such other person as may be directed by the Minister, to keep a careful record of all arrears of taxes under this Act,

with

with the increased amounts from time to time entered thereon.
R.S.O. 1914, c. 26, s. 34.

38. All taxes, double taxes, percentages, penalties and costs respectively payable under this Act shall be a special lien on the mine, mining location, mining claim, land or mining rights and upon all ore, minerals or mineral-bearing substances taken therefrom, and upon the gas well or wells and the leases of and rights respecting the same and upon all machinery upon or connected with the mine or gas well or wells in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or shall accrue after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration and the same may be realized by action for sale of any or all property, leases and rights subject to such lien. R.S.O. 1914, c. 26, s. 35.

REMEDIES.

39. If any tax imposed by this Act is not paid when due, the same, together with the added percentage, may be recovered from the owner, tenant, lessee, occupier or operator of the mine or well by an action at the suit of the Minister in any court of competent jurisdiction, together with costs of action. R.S.O. 1914, c. 26, s. 36.

40.—(1) In addition to any other remedies for the recovery of any tax by this Act imposed, an injunction or order in the nature of injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as may seem necessary or expedient for securing payment of the tax, may, in any case where any tax under this Act is overdue or where the payment of any accrued or future tax seems endangered be obtained in the Supreme Court or county or district court at the instance and in the name of the Minister, to prevent the removal, transportation or transmission of any ore, mineral, or mineral-bearing substance, or natural gas, or to prevent or restrict mining operations or the production or waste of natural gas, or to provide for such operations or production upon such terms and conditions as may seem proper. R.S.O. 1914, c. 26, s. 37 (1); 1914, c. 2, sched. (8).

(2) In any case where natural gas is wasting in such quantity that the mine assessor deems that payment of any tax due or to become due thereon is endangered, he may give notice in writing to the owner or person in charge of the well or opening from which the gas is flowing, or may post up notice at or near such well or opening requiring stoppage of

such waste, and if the waste is not effectively prevented within six days thereafter it shall be lawful for the mine assessor with the consent of the Minister forthwith to close up or direct and procure the closing up of such well or opening in such way as he may deem suitable and proper, and the mine assessor shall have all rights and powers necessary therefor, and the expenses of such closing up as certified by the mine assessor shall, subject to appeal as provided by section 12, be added to and be deemed part of the tax under this Act. R.S.O. 1914, c. 26, s. 37 (2).

Action by
Minister
does not
abate.

41. Any action which may be brought under this Act may be brought by the Minister as plaintiff, and it shall not be necessary to name the Minister, and the action shall not abate by reason of a change in the person of such Minister or by reason of the office being vacant at any time, but the action may proceed as though no change had been made or no vacancy existed. R.S.O. 1914, c. 26, s. 38.

Distress.

42. In case of default of payment of any taxes by this Act imposed, the same, together with all additions of percentage, double tax, penalties and costs, may be levied and collected by distress, together with costs of distress, upon the goods and chattels wherever found of the person or any person liable therefor, under warrant signed by the Minister or Deputy Minister of Mines, directed to the sheriff of any county or district in which the person in arrear may have any goods or chattels, and in such case the sheriff shall realize the amount directed to be realized by the warrant and all costs by sale of such goods or so much thereof as may be necessary to satisfy the amount directed to be levied by such warrant. R.S.O. 1914, c. 26, s. 39.

PENALTIES.

Penalty for
false infor-
mation

43. Any person knowingly making or signing any false statement or furnishing any false or incorrect information to the Department of Mines or any mine assessor under section 8, or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act, with intent to deceive shall, in addition to any other liability, incur a penalty of \$200 for every such offence, which penalty may be recovered upon summary conviction before any justice of the peace having jurisdiction within the municipality in which such false statement or false information is made or furnished, or before any justice of the peace having jurisdiction within the municipality in which such false book or account is kept. R.S.O. 1914, c. 26, s. 40; 1921, c. 11, s. 4.

44. Every person who is required under the provisions of section 8 to make or furnish any statement or information, and every mine in respect of which such statement or information is required to be made or furnished shall, in case of neglect to conform with the provisions of the said section, incur a penalty of \$20 per day for each day during which default is made, which penalty or sum shall be added to and become part of the tax imposed by this Act, and such person and such mine shall also be liable to pay a tax of double the amount for which it would have been liable under section 5, and any such penalty or double tax may be recovered from any person liable therefor in an action brought in the name ^{How recoverable.} of the Minister, to be tried by a judge without a jury. R.S.O. 1914, c. 26, s. 41.

45. Any person violating the provisions of section 7 and any person violating the provisions of section 11 by communicating or disclosing any information contrary to the provisions thereof shall incur a penalty of \$50 for every such offence. R.S.O. 1914, c. 26, s. 42.

46. If any order made under section 32 is not complied with within a reasonable time after it shall have been delivered, the owner, lessee, tenant, operator or occupier shall be liable to a penalty of \$10 for every day from the delivery of the order until the same shall have been complied with to be recovered with costs by action at the suit of the Minister in any court of competent jurisdiction as a debt due, and the owner, lessee, tenant, operator or occupier shall also be liable for double the tax computed upon the amount of gas estimated by the mine assessor to be passing through the pipe or duct during such period. R.S.O. 1914, c. 26, s. 43; 1914, c. 2, sched. (9).

BONUSES.

47.—(1) If at the time when any tax upon the profits arising out of the mining of iron ore or any tax upon natural gas shall become payable the person liable to pay the same shall upon oath show to the satisfaction of the Minister that such iron ore mined in Ontario has in the preceding year been smelted in the Dominion of Canada or delivered at a blast furnace in the said Dominion for the *bona fide* purpose of being smelted thereat, or shall in like manner show the quantity of natural gas used during the preceding year within the Dominion of Canada, and if such person shall not during the preceding year have infringed in any way the provisions of this Act or any of them, and is not in default or arrear in any payment, the Minister on being satisfied of the facts deposed to may remit to the person liable to pay the same the whole of the tax payable in respect to such iron ore as has been

smelted in Canada or delivered at a blast furnace therein for the *bona fide* purpose of being smelted, and ninety per centum of the tax payable on such quantity of natural gas as has been used in the Dominion of Canada in the preceding year.

**Examination
to determine
truth of
statements.**

(2) For the purpose of ascertaining whether the facts deposited to are true and correct, the mine assessor may make any examination or enquiry necessary to ascertain the correctness of the statement, and the owner, lessee, tenant, occupier or operator shall produce and show to the assessor all books, documents, records and memoranda kept by him or under his control, and in case of refusal, neglect or default to furnish any information asked for by the mine assessor, or to produce and show any books, documents, records or memoranda kept by him or in his power or under his control, he shall not be entitled to any remission. R.S.O. 1914, c. 26, s. 45.

REGULATIONS.

**Regulations
for carrying
out Act.**

48. The Lieutenant-Governor in Council may make regulations for carrying out the purposes of this Act, and such regulations shall be published in the *Ontario Gazette* and shall be laid before the Assembly forthwith if the Assembly is then in session, and if it is not then in session, within fifteen days after the opening of the next session. R.S.O. 1914, c. 26, s. 46.

Repeal.

49. The Acts and parts of Acts set out in the schedule hereto are repealed.

**Commencement
of Act.**

50. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE OF REPEALED ACTS.

R.S.O. 1914, chapter 26 (*The Mining Tax Act*)—The whole.

1914, chapter 2 (*An Act to confirm the Revised Statutes of Ontario, 1914, and to correct certain Clerical and Typographical Errors Therein*)—Sched. Item (8).

1914, chapter 14 (*The Mining Amendment Act, 1914*)—The whole.

1920, chapter 10 (*The Mining Tax Amendment Act, 1920*)—The whole.

1921, chapter 11 (*The Mining Tax Amendment Act, 1921*)—The whole, except section 7.

1922, chapter 11 (*The Mining Tax Amendment Act, 1922*)—The whole.

1924, chapter 10 (*The Mining Tax Act, 1924*)—The whole.

CHAPTER 10.

An Act to amend The Amusements Tax Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Amusements Tax Act, 1927.* Short title.
2. *The Amusements Tax Act* is amended by adding thereto 1916, c. 9, amended. the following section:
13. The provisions of this Act shall not apply, save as Application of Act. to pass or complimentary admission, to persons paying not more than twenty-five cents in all for admission, reserved seat, and other charge.
3. This Act shall come into force and take effect on a day Commencement of Act. to be named by the Lieutenant-Governor by his proclamation.

CHAPTER 11.

An Act to amend The Provincial Land Tax Act,
1924.*Assented to 5th April, 1927.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Provincial Land Tax Amendment Act, 1927.*

**1924, c. 13
§. 3,
amended.** **2.** Section 3 of *The Provincial Land Tax Act, 1924*, is amended, by striking out all the words after the word "municipality," in the second line, and substituting therefor the following: "nor in respect to any place of worship or land used in connection therewith, or any church yard, cemetery or burying ground," so that the section will now read as follows:

Exemptions **3.** Taxes shall not be payable under this Act in respect to land situate in any organized municipality, nor in respect to any place of worship or land used in connection therewith, or any church yard, cemetery, or burying ground.

**1924, c. 13.
§. 5, repealed.** **3.** Section 5 of *The Provincial Land Tax Act, 1924*, is repealed and the following substituted therefor:

**Rate—how
fixed and
published.** **5.—(1)** The Lieutenant-Governor in Council shall fix the rate to be imposed each year and notice of such rate shall be given in the *Ontario Gazette* on or before the 1st day of July in each year.

**Reduction
of rate in
school
sections.** **(2)** The Lieutenant-Governor in Council may upon the recommendation of the Minister reduce the amount of the tax collectible from the owner in respect of any land situated in any school section by fixing a lower rate in respect to any such school section.

**Minimum
tax.** **(3)** There shall be payable on all property liable to taxation under this Act, a minimum tax of not less than \$2 per parcel.

**Commencement
of Act.** **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 12.

The Forestry Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Forestry Act, 1927.* Short title.

2. In this Act,— Inter-
pretation.

(a) "Minister" shall mean Minister of Lands and Forests. "Minister."

(b) "Lands" shall include lands covered with water; all trees and underwood growing upon land; all mines, minerals, gas, oil, salt, quarries and fossils in and under land; the interest in land of a tenant or occupant, and the interest of a holder of any lease, license, concession, or contract under which there has been acquired from the Crown any right to be exercised in respect of or over or upon land; and all buildings, improvements, structures and fixtures in or on land. "Lands."

3. The Minister may for and in the name of His Majesty lease, purchase or acquire, and, subject as hereinafter mentioned, may without the consent of the owner thereof enter upon, take and expropriate any land in Ontario which the Minister may deem necessary for forestry purposes and may lease, sell or otherwise dispose of the interest of the Province in any land thus leased, purchased, acquired or expropriated, or the timber thereon, and for the purposes of this section the Minister shall have and may exercise the like powers and shall proceed in manner provided by *The Ontario Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario and the provisions of that Act shall *mutatis mutandis* apply. Power to acquire lands for forestry purposes. Rev. Stat. c. 35.

4. Lands acquired under the provisions of this Act shall be under the control and management of the Minister who may develop, protect, care for, and manage such lands and may Administration and management.

sell and dispose of any timber which in the opinion of the Minister for any reason should be disposed of.

Agreements as to forestry development on private lands.

5. For the purposes of reforesting, developing and managing for forestry purposes lands held by other persons, firms, corporations or municipal corporations, the Minister may enter into agreements for such purposes with any such persons, firms, corporations or municipal corporations.

Disposing of Crown lands for forestry purposes.

6. For forestry purposes the Minister may lease, sell, or otherwise dispose of Crown lands and may enter into agreements with reference thereto.

Employees.

7. For the purpose of carrying out the provisions of this Act the Minister may employ such persons as he may deem necessary, and they shall be subject to the instructions of the Minister.

Appropriation of funds.

8. All moneys required for the purposes of this Act shall be paid out of any sum appropriated by the Legislature and voted by the Assembly for that purpose.

Taking townships out of unions.

9. Notwithstanding anything contained in *The Consolidated Municipal Act, 1922*, and amendments, when a township forming part of a union of townships has less than twenty-five resident freeholders whose names are entered on the last revised assessment roll, the Lieutenant-Governor in Council may, for forestry purposes, by proclamation, detach such township from such union of townships, upon such terms as may seem proper, and thereupon such township so detached shall cease to be incorporated and shall not thereafter without the approval of the Lieutenant-Governor in Council, become, be annexed to, or form part of a municipal corporation. The said order-in-council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said order-in-council.

Declaring incorporated townships part of Crown forest reserve.

10. Notwithstanding anything contained in *The Consolidated Municipal Act* and amendments thereto where any township has an area of less than ten per cent. of such township used for farming purposes the Lieutenant-Governor in Council may for forestry purposes, by proclamation, declare that the township or such part of the said township as may be designated by the said order-in-council shall form part of a Crown Forest Reserve, or be otherwise used for forestry purposes, upon such terms as may be set out in the said order-in-council, and for municipal or administrative purposes any balance of the said township may be attached to any adjoining township. The said order-in-council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said order-in-council.

11. For the purpose of making a survey and estimating the timber and other natural resources of the Province, and the adaptability of land for forestry purposes, the Minister may himself or by any officer or person appointed by him for that purpose, and without the consent of the owner, from time to time, enter into and upon any land to whomsoever belonging, and there investigate and examine the condition of such land for the purposes provided for and intended by this Act.

12. Whenever any townships, township, or part of a township have been taken over by the Minister for forestry purposes the Lieutenant-Governor in Council may upon the recommendation of the Minister declare that all the roads, reserves, allowances for roads, or other public lands in such area shall be closed to the public upon such terms and conditions as may seem proper.

13. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation, provide that any township or portion of a township in Ontario suitable for settlement purposes, may be set aside for the purpose of location of settlers whom the Minister may desire to move from locations that have been found to be unsuitable for agricultural purposes, and which it is desired to take over for forestry purposes; and the terms and conditions of location upon such lands may be fixed and determined by the said order-in-council.

14. Whenever in the opinion of the Minister it is found that settlement has taken place on lands not suitable for agricultural purposes and which said lands are required for forestry purposes, the Minister shall have power to make arrangements for the removal of such settlers upon such terms as may be agreed upon, and may pay the expenses of the removal of such settlers and their families, chattels and effects to lands designated under the preceding section and may enter into agreements with such settlers for the purposes of providing for such removal and for the reconveyance or release of the said lands to the Crown.

15. Whenever in the opinion of the Minister any lands required under this Act, or otherwise, are suitable for the creation of a Crown Forest Reserve, the Lieutenant-Governor in Council may, by proclamation, set apart such lands as a Crown Forest Reserve under *The Forest Reserves Act*, notwithstanding the fact that such lands may be valuable or used for the preservation or reproduction of timber other than pine.

16. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation, provide

Right of entry for estimating natural resources of land.

Power to close roads on lands taken over for forestry.

Setting apart lands for settlement of settlers removing from unsuitable lands.

Removal of settlers from lands unsuitable for farming.

Crown Forest Reserves, proclamation of.

Rev. Stat. c. 30.

Requiring permit for entering forest reserve.

provide that no person shall enter upon any lands acquired under this Act or lands forming a part of any Crown Forest Reserve without a permit obtained for that purpose and upon such terms and conditions as may be proper and necessary, and subject to such penalties for a breach of the terms and conditions as may be provided for by the order-in-council.

*"Forestry
Board,"
establish-
ment of.*

17. Upon the recommendation of the Minister the Lieutenant-Governor in Council may, by proclamation, create a board to be known as the "Forestry Board," consisting of five members to be appointed in such manner and for such terms as may be provided for by the order-in-council, for the purpose of carrying on research work in connection with the forestry lands of the Province of Ontario, and to study all questions in connection with the planting, growth, development, marketing and reproduction of pulpwoods on the said Crown lands and on the lands of Crown lessees, licensees and concessionaires in the Province of Ontario, and with such further or other powers as may be designated by the said order-in-council.

Regulations.

18. Upon the recommendation of the Minister, the Lieutenant-Governor in Council may make such regulations as he may deem necessary to carry out the provisions of this Act.

*1921, c. 19;
1923, p. 10,
repealed.*

19. *The Reforestation Act, 1921, and The Reforestation Act, 1923, are hereby repealed.*

*Commencement
of
Act.*

20. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 13

An Act to make further provision for Northern Ontario Development.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Northern Ontario Appropriation Act, 1927.* Short title.

2. In addition to the amounts provided by *The Northern and Northwestern Ontario Development Acts*, heretofore enacted, appropriated for Northern Ontario Development, there shall be set apart out of the Consolidated Revenue Fund the sum of five million dollars, and the same shall be applied for the purposes set out in the said Acts and in *The Soldiers' and Sailors' Land Settlement Acts* or any of them.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 14.

An Act to amend The Railway Fire Charge Act,
1925.

Assented to 5th April, 1927..

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Railway Fire Charge Act, 1927.*

1925, c. 16.
s. 4.
repealed.

2. Clause *d* of section 2 of *The Railway Fire Charge Act, 1925*, is repealed and the following substituted therefor:

"Tenant."

(*d*) "Tenant" shall mean and include a licensee or occupant or any person or persons other than the owner having any right to cut timber on railway lands whether such right is derived from the owner or otherwise.

1925, c. 16.
s. 3.
repealed

3. Section 3 of *The Railway Fire Charge Act, 1925*, is repealed and the following substituted therefor:

Annual
charge for
protection.

3. The owner or tenant of any railway lands shall pay to the Minister annually for the uses of the Province of Ontario and for the purpose of defraying the expenses of protecting the property, rights and interests of such owner or tenant against fire, for every square mile or fraction thereof of such railway lands, for each of the calendar years 1927, 1928 and 1929, the sum of \$9.60, and for each calendar year thereafter, a sum not exceeding \$10 per annum, as may be prescribed by the Lieutenant-Governor in Council from time to time; provided however that as to lands in respect of which fire protection charges for the years 1925 and 1926 have been paid, the sum payable under this section shall, for each of said calendar years 1927, 1928 and 1929, be \$6.40 for every square-mile or fraction thereof of such railway lands.

Proviso.

1926, c. 16.
s. 4.
repealed.

4. Section 4 of *The Railway Fire Charge Act, 1925*, is repealed and the following substituted therefor:

4. A tenant of railway lands shall be jointly and severally liable with the owner for the payment of the charge hereby imposed and the charge imposed by this Act shall become due and be payable on or before the first day of May in each year. If any question should at any time arise between the owner and tenant of any railway lands as to the proportion in which such charge shall be borne as between the owner and tenant, either the owner or the tenant may apply to the Minister to fix such proportion and the decision of the Minister shall be final and binding as between the owner and the tenant.

5. Section 9 of *The Railway Fire Charge Act, 1925*, is <sup>s. 9,
c. 16,</sup> amended by striking out the first and second lines and inserting in lieu thereof the words "The collector shall on or before the 1st day of March in each year after the year 1929," and by striking out all the words in the said section after the word "the" in the fifth line and inserting in lieu thereof the words "sum prescribed under the provisions of section 3 and the date on which the charges imposed by this Act are required to be paid."

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement
of
Act.

CHAPTER 15.

An Act to revise and consolidate The Mining Law of Ontario.

Assented to 5th April, 1927

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title
and
commencement of Act.

1. This Act may be cited as *The Mining Act, 1927*, and shall come into force on the day upon which it receives the Royal Assent.

INTERPRETATION.

Interpreta-
tion.

2. In this Act,

"Agent."

(a) "Agent" where it occurs in Parts VIII and IX shall mean any person having, on behalf of the owner, the care or direction of a mine or of any part thereof;

"Court."

(b) "Court" shall mean Mining Court;

"Crown
lands."

(c) "Crown lands" shall not include land in the actual use or occupation of the Crown, or of any Public Department of the Government of Canada, or of Ontario, or of any officer or servant thereof, or under lease or license of occupation from the Crown or the Minister of Lands and Forests or the Minister of Mines, or set apart or appropriated by lawful authority for any public purpose or vested in the Temiskaming and Northern Ontario Railway Commission; R.S.O. 1914, c. 32, s. 2 (c); 1920, c. 13, s. 2; 1921, c. 16, s. 3 (1);

"Depart-
ment."

(d) "Department" shall mean Department of Mines; R.S.O. 1914, c. 32, s. 2 (d); 1921, c. 16, s. 3 (2).

"Deputy
Minister."

(e) "Deputy Minister" shall mean Deputy Minister of Mines;

"In place."

(f) "In place" when used in reference to mineral shall mean in the place or position where originally formed in the solid rock, as distinguished from being in loose,

fragmentary or broken rock, boulders, float, beds or deposits of gold or platinum-bearing sand, earth, clay, or gravel, or placer;

- (g) "Inspector" shall include an inspector appointed "Inspector." under this Act, for a mining division or any part thereof, or for Ontario, and any officer having the powers of an inspector; R.S.O. 1914, c. 32, s. 1 (*e-g*):
- (h) "Judge" shall mean Judge of the Mining Court; "Judge."
- (i) "Licensee" shall mean a person, mining partnership "Licensee." or company holding a miner's license issued under this Act or any renewal thereof;
- (j) "Machinery" shall include steam and other engines, "Machin-
ery." boilers, furnaces, stamps and other crushing apparatus, winding and pumping gear, chains, trucks, tramways, tackle, blocks, ropes and tools, and all appliances used in or about or in connection with a mine; R.S.O. 1914, c. 32, s. 2 (*h-i*);
- (k) The noun "mine" shall include any opening or "Mine." meaning of excavation in, or working of, the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, bed of earth, clay, sand, gravel or cement, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine, and also for the purposes of Parts VIII and IX, any quarry, excavation or opening in the ground made for the purpose of searching for or removal of mineral, soil, rock, quartz, limestone, earth, clay, sand, gravel or cement and any roast-yard, smelting-furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining or treating any of said substances; 1921, c. 16, s. 2;
- (l) The verb "mine" and the word "mining" shall include any mode or method of working whereby the soil or earth or any rock, stone or quartz may be disturbed, removed, washed, sifted, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether the same may have been previously disturbed or not, and also for the purposes of Parts VIII and IX of this Act all operations and workings mentioned in paragraph (k) of this section:

- "Mineral." (m) "Minerals" shall include gold and silver, all rare and precious metals and coal, natural gas, oil and salt;
- "Mining lands." (n) "Mining lands" shall include lands and mining rights patented or leased under or by authority of any statute, regulation, or Order in Council, respecting mines, minerals or mining, and also lands or mining rights located, staked out, used or intended to be used for mining purposes;
- "Mining rights." (o) "Mining rights" shall mean the ores, mines and minerals on or under any land where the same are or have been dealt with separately from the surface; R.S.O. 1914, c. 32, s. 2 (*k-n*);
- "Minister." (p) "Minister" shall mean Minister of Mines, except where a contrary intention appears; 1921, c. 16, s. 3 (3);
- "Owner." (q) "Owner" when used in Parts VIII and IX of this Act shall include every person, mining partnership, and company being the immediate proprietor or lessee or occupier of a mine, or of any part thereof, or of any land located, patented or leased as mining lands but shall not include a person, or a mining partnership or company receiving merely a royalty, rent or fine from a mine or mining lands, or being merely the proprietor of a mine or mining lands subject to a lease, grant or other authority for the working thereof, or the owner of the surface rights and not of the ore or minerals;
- "Patent." (r) "Patent" shall mean a grant from the Crown in fee simple or for any less estate made under the Great Seal;
- "Prescribed." (s) "Prescribed" shall mean prescribed by this Act or by Order in Council or by rule or regulation made under the authority of this Act;
- "Recorder." (t) "Recorder" shall mean the mining recorder of the mining division in which the land in respect of which an act, matter or thing is to be done are situate;
- "Regulation." (u) "Regulation" shall mean a regulation made by the Lieutenant-Governor in Council under the authority of this Act;
- "Shaft." (v) "Shaft" shall include a pit;

(w)

- (w) "Surface rights" shall mean land granted, leased or located for agricultural or other purposes, the ores, minerals and mines whereof or under the surface whereof are reserved to the Crown;
- (x) "Valuable mineral in place" shall mean a vein, lode or deposit of mineral in place appearing at the time of discovery to be of such a nature and containing in the part thereof then exposed such kind and quantity of mineral or minerals in place, other than limestone, marble, clay, marl, peat or building stone, as to make it probable that the vein, lode or deposit is capable of being developed into a producing mine likely to be workable at a profit. R.S.O. 1914, c. 32, s. 2 (*p-x*).

APPLICATION OF ACT.

3. Nothing herein contained shall affect the sale, lease or location, for agricultural or other purposes, of any land opened for sale or free grant under *The Public Lands Act* or any Act, Order-in-Council or regulation respecting the sale and disposal of such land. R.S.O. 1914, c. 32, s. 3 (2).

FORMS.

4. The Lieutenant-Governor in Council may by regulation prescribe the forms to be used under this Act and until further provision is made the forms prescribed by *The Mining Act of Ontario*, being Revised Statutes of Ontario, 1914, chapter 32, may be continued in use. *New.*

REPEAL.

5. The Acts and parts of Acts set out in schedule "B" hereto are repealed.

PART I.

DEPARTMENT OF MINES.

6. The Department of Mines heretofore established is continued and shall be administered by the Minister of Mines. *New.*

7.—(1) A Deputy Minister of Mines shall be appointed by the Lieutenant-Governor in Council and shall perform such duties in connection with mines, mining lands, and the mining industry and other matters as may be assigned to him by the

Lieutenant-Governor in Council or by the Minister, and in the absence of the Minister, or in the case of a vacancy in the office of the Minister, he shall discharge the duties of the Minister with respect to mines, minerals, mining lands and the mining industry and such other matters as may be so assigned to him. 1920, c. 12, s. 7. *Amended.*

**Powers of
Deputy
Minister.**

(2) The Deputy Minister shall have all the powers, rights and authority of an inspector, and such other powers, rights and authority for carrying into effect the provisions of this Act as may be assigned to him by regulation. R.S.O. 1914, c. 32, s. 5.

**Administration
by
Minister of
Mines.**

8.—(1) All public lands for mining purposes and for the purposes of the mineral industry and all regulations made with respect to mines or minerals or mining or mining lands or mining rights, or the mineral industry, shall be administered by the Minister of Mines.

**Execution
of instru-
ments.**

(2) All patents, leases, licenses or other instruments of title, and all agreements, contracts or other writings relating to mines or minerals or mining lands or mining rights or the mineral industry shall be signed and executed by the Minister of Mines. 1920, c. 12, s. 8 (1, 2).

PROVINCIAL GEOLOGIST, ASSAYER, AND INSPECTORS.

**Appoint-
ment and
duties of
geologist,
assayer, and
inspectors.**

**Depart-
mental
officers.**

**Geologist to
be *ex-officio*
inspector.**

**Administra-
tion of
certain Acts
by Minister
of Mines.**

**Mining
Recorder.**

9.—(1) The Lieutenant-Governor in Council may appoint a Provincial Geologist, a Provincial Assayer and an inspector or inspectors, and such other officers and agents as he may deem necessary, who shall be officers of the Department, and shall perform such duties as may be assigned to them by this Act or by regulation. R.S.O. 1914, c. 32, s. 6 (1); 1921, c. 16, s. 5 (1).

(2) The Provincial Geologist shall be *ex-officio* an inspector. R.S.O. 1914, c. 32, s. 6 (2).

10. This Act and *The Mining Tax Act*, *The Metal Refining Bounty Act*, *The Natural Gas Act*, 1919, *The Natural Gas and Oil Wells Act*, *The Radium Act*, *The Unwrought Metal Sales Act*, 1924, *The Iron Ore Bounty Act*, 1924, *The Well Drillers Act*, 1924 and *The Fuel Supply Act* except so far as the last-named Act relates to wood, and any regulations made under any of the said Acts shall be administered by the Minister of Mines. 1920, c. 12, s. 11. *Amended.*

11.—(1) The Lieutenant-Governor may appoint for each mining division a mining recorder, who shall be an officer of the Department of Mines. R.S.O. 1914, c. 32, s. 7.

(2) Where a mining recorder is absent, because of illness or for any other reason, the Minister may appoint a competent person to act as recorder *pro tempore*, and such person shall during such time, have all powers and perform all the duties of a mining recorder in the mining division to which he is appointed. 1922, c. 22, s. 2.

12. Every recorder shall keep such books for the recording of mining claims, applications and other entries therein as may be directed by the Minister, and such books shall be open to inspection by any person on payment of a fee of ten cents for each claim or application examined, and every recorder shall also keep displayed in his office a map or maps showing the territory included in his mining division and shall mark thereon all claims as they are recorded, and there shall be no charge for examining such map or maps. 1922, c. 22, s. 3.

13. Every document filed in the recorder's office shall, during office hours, be open to inspection by any one on payment of the prescribed fee. R.S.O. 1914, c. 32, s. 9.

14. Every copy of or extract from an entry in any of such books, and of any document filed in the recorder's office, certified to be a true copy or extract by the recorder, shall be received in any court as *prima facie* evidence of the matter certified by him without proof of his appointment, authority or signature. R.S.O. 1914, c. 32, s. 10.

EMPLOYMENT OF EXPERTS, ETC.

15. Notwithstanding anything in *The Public Service Act* the Minister may employ any professor, instructor, or other person to investigate the mineral resources of Ontario, or for any work in connection with this Act, and may pay him for such services at such rate as may be agreed upon, out of any money appropriated by the Legislature for that purpose. R.S.O. 1914, c. 32, s. 11; 1921, c. 16, s. 6.

GENERAL PROVISIONS AS TO OFFICERS.

16.—(1) No officer appointed under this Act shall directly or indirectly, by himself or by any other person, purchase or become interested in any Crown lands, mining rights or mining claims, and any such purchase or interest shall be void. Officers not to be interested in Crown lands or mining claims.

(2) Any officer offending against the provisions of sub-^{Penalty.} section 1 shall forfeit his office and shall, in addition thereto, incur a penalty of \$500 for every such offence, to be recovered in any court of competent jurisdiction by any person who sues for the same. R.S.O. 1914, c. 32, s. 12.

Regulations respecting common use of certain offices.

17. The Lieutenant-Governor in Council may make regulations respecting the offices to be used in common between the Department of Lands and Forests and the Department of Mines, and the services to be rendered to either of the said Departments by the other of them, and the officers, clerks and servants of the Department of Lands and Forests shall render such services to the Department of Mines as may be required of them from time to time, and all maps, books, papers, correspondence, records or other matters or things in the Department of Lands and Forests shall be open to and may be examined by the Minister of Mines or the officers and clerks of the Department of Mines in the discharge of their departmental duties. 1920, c. 12, s. 12, *part*.

Certain officers not to be subpoenaed without order of judge.

18.—(1) A subpoena shall not issue out of any court, requiring the attendance of the Deputy Minister, the Judge, the Provincial Geologist, the Provincial Assayer, or any inspector, recorder, or other officer, or the production of any document in the official custody or possession of any of them without an order of the court or a judge thereof, or in matters before the Mining Court without a direction of the judge. R.S.O. 1914, c. 32, s. 13 (1); 1921, c. 16, s. 7 (1). *Amended.*

Privilege as to official information.

(2) The Deputy Minister, the Judge, the Provincial Geologist, the Provincial Assayer, and any inspector, recorder, or other officer, shall not be bound to disclose any information obtained by him in his official capacity which a member of the Executive Council certifies ought not in the public interest to be divulged or cannot without prejudice to the interests of persons not concerned in the litigation be divulged, and all such information shall be privileged. R.S.O. 1914, c. 32, s. 13 (2); 1921, c. 16, s. 7 (2).

Ex-officio justices of the peace.

19. The Judge and every inspector shall be *ex-officio* a justice of the peace for every county and district in Ontario and a recorder in his division shall be *ex-officio* a justice of the peace for the county or district in which any part of his division lies; and it shall not be necessary that they shall possess any residential or property qualification. R.S.O. 1914, c. 32, s. 14.

Appointment of constables by recorder.

20.—(1) A recorder may appoint any number of constables not exceeding four, who shall be constables and peace officers for the purposes of this Act, during the terms and within the mining division for which they are appointed. R.S.O. 1914, c. 32, s. 15 (1).

Fees of constables.

(2) A constable so appointed shall be paid such fees and expenses as may be allowed by the recorder, but such fees shall not exceed \$4 per day for the time certified by the recorder. R.S.O. 1914, c. 32, s. 15 (2); 1921, c. 16, s. 8.

MINING DIVISIONS.

21.—(1) The Lieutenant-Governor in Council may divide the Province into mining divisions and may alter the number, limits and extent thereof.

(2) Every Order in Council made under this section shall be published in the *Ontario Gazette* and shall take effect from the date of the first publication thereof. R.S.O. 1914, c. 32, s. 17.

22. Except as in this Act otherwise specially provided the recorder's office shall be the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under the provisions of this Act, affecting any unpatented mining claim or quarry claim or any right, privilege or interest which may be acquired under the provisions of this Act to or in respect of Crown lands or unpatented mining rights, and all such applications, documents and instruments may, before patent, be filed or recorded in the said office, but after patent, the provisions of *The Registry Act* and of *The Land Titles Act* shall respectively apply. R.S.O. 1914, c. 32, s. 18.

23. Where any part of the Province is not included in a mining division, or if there is no recorder for a mining division, all applications shall be made to the Department, and all duties and powers of the recorder shall be performed and exercised by the Deputy Minister; and all acts, matters and things which in a mining division are to be done by or before a recorder shall be done by or before the Deputy Minister, and all such acts, matters and things which are to be done in the office of the recorder shall be done at the Department. R.S.O. 1914, c. 32, s. 19; 1921, c. 16, s. 5 (2).

24. Upon the issue of a patent by the Crown of any mining lands or mining rights, the Minister shall give notice thereof to the recorder of the mining division in which the lands included in the patent are situate, and the recorder shall keep in his office a list of all such lands. R.S.O. 1914, c. 32, s. 20.

SPECIAL MINING DIVISIONS

25.—(1) The Lieutenant-Governor in Council may declare any locality to be a special mining division.

(2) Every Order in Council made under this section shall be published in the *Ontario Gazette* and shall take effect from the date of the first publication thereof. R.S.O. 1914, c. 32, s. 21.

LICENSES TO MINE AND LICENSE HOLDERS.

License required.

26.—(1) No person, mining partnership or company not the holder of a miner's license shall prospect for minerals upon Crown lands or land of which mining rights are in the Crown, or stake out, record or acquire any unpatented mining claim, or area of land for boring permit, or acquire any right or interest therein. R.S.O. 1914, c. 32, s. 22 (1); 1922, c. 22, s. 4.

Clerks or employees not to require license.

(2) A clerk or employee of a licensee performing clerical, manual or other services of like nature shall not be required to be the holder of a miner's license. R.S.O. 1914, c. 32, s. 22 (2).

Who may receive license.

27.—(1) Any person over eighteen years of age, any mining partnership and, subject to the provisions of subsection 6, any company incorporated or licensed under the laws of Ontario to transact business or hold lands in Ontario, shall be entitled on payment of the prescribed fee to obtain a miner's license in the prescribed form.

Date and term of license.

(2) The license shall be dated on the day of the issue thereof and shall expire at midnight on the 31st day of March then next ensuing.

Effect of license.—non-transferable.

(3) The license shall be effectual throughout Ontario but shall not be transferable.

License to companies.

(4) Licenses to companies shall be issued only by the Minister or by the Deputy Minister.

Who may issue licenses.

(5) Licenses to individuals and to mining partnerships may be issued by the Minister or the Deputy Minister or by any recorder. R.S.O. 1914, c. 32, s. 23 (1-5).

Proof required before License to company.

(6) A license shall not be issued to a company if it is incorporated under the laws of Ontario unless or until it has satisfied the Minister or the Deputy Minister that it is so incorporated, and if it is not so incorporated, unless or until it has filed with the Department a copy of the license authorizing the company to transact business or hold land in Ontario verified by the prescribed affidavit of an officer of the company. R.S.O. 1914, c. 32, s. 23 (6); 1921, c. 16, s. 5 (3).

Licensee serving in war.

(7) Notwithstanding anything in this section contained the miner's license of the holder of an interest in an unpatented mining claim who has enlisted or enrolled for active service at home or abroad against the King's enemies shall be deemed to be subsisting and in force for the space of six months after

the date of his discharge from military service, or up to and including the 31st day of March following the said date whichever period may be the longer, and forfeiture or loss of rights arising under clause *a* of subsection 1 of section 89 of this Act shall be avoided upon the holder renewing the said miner's license as in section 31 provided. 1918, c. 9, s. 2.

28. Every miner's license shall be numbered, and shall Numbering
also be lettered with a letter of the alphabet prescribed by ^{and lettering} of licenses.
the Minister to indicate the office from which it was issued.
R.S.O. 1914, c. 32, s. 24.

29. A miner's license held by a mining partnership or a ^{Effect of} company shall not entitle any partner, shareholder, officer or ^{license to} partnership
employee thereof to the rights or privileges of a licensee. ^{or company.}
R.S.O. 1914, c. 32, s. 25.

30. A person who is not a licensee shall not prospect for ^{Unlicensed} person not
minerals or stake out a mining claim, or area of mining land ^{to act for} partnership
for the purpose of obtaining a boring permit on behalf of a ^{or company.} mining partnership or a company. R.S.O. 1914, c. 32, s. 26;
1922, c. 22, s. 5.

31.—(1) A licensee shall be entitled to a renewal of his ^{Renewal of} license.
license, in the prescribed form, on production of his license
before the expiration thereof and on payment of the prescribed
fee. R.S.O. 1914, c. 32, s. 27 (1).

.2 Licenses to companies may be renewed by the Minister ^{Who may} issue
or the Deputy Minister, and licenses to individuals and to ^{to renewals.} renewals.
mining partnerships may be renewed by the Minister or the
Deputy Minister or by any recorder. 1922, c. 22, s. 6.

(3) The renewal shall bear date on the 1st day of April ^{Date and} effect of
and shall be deemed to have been issued and shall take effect ^{renewal.}
immediately upon the expiration of the license of which it is a
renewal, or of the last preceding renewal as the case may be.

(4) The renewal shall bear the same number and letter as ^{Form.}
the original license and after it comes into effect it shall be
deemed to be the license of the licensee. R.S.O. 1914, c. 32,
s. 27 (3, 4).

32.—(1) If a miner's license is accidentally destroyed or ^{Accidental}
lost, the holder may, on payment of the prescribed fee, obtain ^{destruction.} or loss of
a duplicate thereof from the office out of which the original ^{license.}
was issued.

(2) Every such duplicate shall be marked "substituted ^{Substituted} license."
R.S.O. 1914, c. 32, s. 28.

Not more than one license to be issued.

33.—(1) No person, mining partnership or company shall apply for or hold more than one miner's license. R.S.O. 1914, c. 32, s. 29 (1).

Refund where more than one license issued.

(2) A contravention of this section shall be an offense against this Act, but where the Minister is satisfied that there was no improper intent, and upon surrender of the unnecessary license or licenses, the Minister may relieve from the penalty and may direct a refund of the fee or fees paid. R.S.O. 1914, c. 32, s. 29 (c); 1915, c. 13, s. 2. *Amended.*

Production of license.

34. Every licensee shall upon demand produce and exhibit his license to an inspector or a recorder. R.S.O. 1914, c. 32, s. 30.

License to date from application therefor.

35. Where application for a license or a renewal of a license is made during the absence of a recorder from his office, the applicant may leave with the person in charge of the office his application and such documents as he is required to produce in order to obtain the license or renewal and the prescribed fee, and in every such case the license or renewal when issued shall be as effective as if obtained at the time of the application, and the license shall bear that date. R.S.O. 1914, c. 32, s. 31.

Licensee under twenty-one years of age.

36. A licensee under the age of twenty-one years shall, in respect of mining claims, mining lands and mining rights and all matters and transactions relating thereto, have the same rights and be subject to the same obligations and liabilities as if he were of full age. R.S.O. 1914, c. 32, s. 32.

Revocation of license for violation of Act.

37. The Minister, on the recommendation of the Judge, may revoke the license of any licensee who is guilty of a wilful contravention of any of the provisions of this Act, and a license shall not thereafter be issued to such licensee without the authority of the Minister. R.S.O. 1914, c. 32, s. 33.

PART II.—MINING CLAIMS.

WHAT LANDS OPEN

Where licensee may prospect for minerals.

38. Subject to the provisions herein contained, the holder of a miner's license may prospect for minerals and stake out a mining claim on any,—

- (a) Crown lands surveyed or unsurveyed;
- (b) lands, the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands; not at the time,—

- (i) under staking or record as a mining claim which has not lapsed or been abandoned, cancelled or forfeited ; or
- (ii) withdrawn by any Act, Order-in-Council or other competent authority from prospecting, location or sale, or declared by any such authority to be not open to prospecting, staking out or sale as mining claims. R.S.O. 1914, c. 32, s. 34; 1922, c. 22, s. 7.

LICENSEE MAY STAKE OUT A CLAIM.

39. A licensee, for himself or on behalf of any other licensee, ^{When claim may be staked.} may stake out a mining claim on any land open for prospecting and, subject to the other provisions of this Act, may work such claim and transfer his interest therein to another licensee; but where the surface rights in the land have been granted, sold, leased or located by the Crown, a mining claim may be staked out only upon discovery by the licensee of valuable mineral in place, and compensation must be made as provided by section 97 hereof. 1922, c. 22, s. 8.

LANDS NOT OPEN.

40. No mining claim shall be staked out or recorded upon ^{Lands of T. & N.O. Ry. Commission, etc.} any land transferred to or vested in The Temiskaming and Northern Ontario Railway Commission, without the consent of the Commission, nor except with the consent of the Minister upon any land

- (a) reserved or set apart as a town site by the Crown;
- (b) laid out into town or village lots on a registered plan by the owner thereof ;
- (c) forming the station grounds, switching grounds, yard or right of way of any railway, electric railway or street railway, or upon any colonization or other road or road allowance. R.S.O. 1914, c. 32, s. 36.

41. No mining claim shall be staked out or recorded on ^{Lands upon which mining claim may not be staked out.} any land,—

- (a) which, without reservation of the minerals, has been sold, located, leased or included in a license of occupation ; or
- (b) for which a *bona fide* application is pending in the ^{Rev. Stat. 2. 28.} Department of Lands and Forests under *The Public*

Lands Act or under any regulation made under that Act or under any other Act or regulation ; or

- (c) which has been reserved or set apart by the Department of Lands and Forests for summer resort purposes, except where the Minister of Mines certifies in writing that in his opinion discovery of valuable mineral in place has been made; or
- (d) where the Minister of Lands and Forests certifies that land is required for the development of water power or for some other purpose in the public interest and the Minister of Mines is satisfied that a discovery of mineral in place has not been made thereon. 1925, c. 20, s. 2. *Amended.*

*Lands used
or occupied
as gardens
etc.*

42.—(1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person, mining partnership or company shall prospect for minerals upon that part of any lot used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops which may be damaged by such prospecting are growing, or on that part of any lot upon which is situated any spring, artificial reservoir, dam or waterworks, or any dwelling house, out-house, manufactory, public building, church or cemetery, except with the consent of the owner, lessee or locatee of the surface rights, or by order of the recorder or the Judge, and upon such terms as to him may seem just.

*Disputes as
to lands
exempt.*

(2) If any dispute arises between the intending prospector and the owner, lessee or locatee as to land which is exempt from prospecting under subsection 1, the recorder or the Judge shall determine the extent of the land which is so exempt. R.S.O. 1914, c. 32, s. 37.

*Valuable
water powers
not included
in claim.*

43. A water power, lying within the limits of a mining claim, which at low water mark, in its natural conditions, is capable of producing one hundred and fifty horse power or upwards, shall not be deemed to be part of the claim for the uses of the licensee, and a road allowance of one chain in width shall be reserved on both sides of the water together with such additional area of land as in the opinion of the recorder or the Judge may be necessary for the development and utilization of such water power. R.S.O. 1914, c. 32, s. 38.

*Withdrawal
from pros-
pecting and
sale.*

44.—(1) The Lieutenant-Governor in Council may withdraw any lands or mining rights the property of the Crown from prospecting and staking out and from sale or lease.

*Re-opening
after with-
drawal.*

(2) The Lieutenant-Governor in Council may re-open for prospecting and staking out and for sale or lease any lands or mining rights so withdrawn, or which have been heretofore withdrawn. R.S.O. 1914, c. 32, s. 39.

45. The Lieutenant-Governor in Council may direct that the mines and minerals in land or mining rights so withdrawn or in any part thereof may be worked by or on behalf of the Crown under and pursuant to regulations to be made by the Minister. R.S.O. 1914, c. 32, s. 40.

46. Land or mining rights so withdrawn, until re-opened by Order in Council, shall remain withdrawn, and shall not be prospected, staked out, occupied or worked except by or on behalf of the Crown. R.S.O. 1914, c. 32, s. 41; 1915, c. 13, s. 3.

47.—(1) Every officer appointed or acting under the provisions of this Act, and every assistant of such officer who makes a discovery of valuable mineral upon any lands or mining rights, open to prospecting and staking out as a mining claim, shall stake out and record a parcel thereof of the size and form of a mining claim on behalf of the Crown, and no license shall be required for that purpose. R.S.O. 1914, c. 32, s. 42 (1).

(2) No proceeding shall be necessary for such staking out except to plant posts and blaze lines as provided in respect to a mining claim, but the officer or assistant shall mark upon No. 1 post the words "staked out for the Crown," and within the time limited by this Act for recording the claim shall notify the recorder of the staking out, giving the date of staking out and the description of the property. R.S.O. 1914, c. 32, s. 42 (2); 1922, c. 22, s. 10.

(3) The recorder upon receiving such notice shall enter the parcel of land upon his record book as staked out on behalf of the Crown, and shall mark it upon his map with the letter "C," and after such staking out the parcel shall not be open to staking out or recording. R.S.O. 1914, c. 32, s. 42 (3).

48. Land or mining rights staked out on behalf of the Crown, and land or mining rights reserved or withdrawn from prospecting, staking out, or sale as mining claims, may be worked, sold, leased or granted by the Crown or worked under an agreement or arrangement with the Crown in such manner and upon such terms and conditions and for such price as may be provided by Order in Council; and all sales, leases, grants or working agreements heretofore made in respect of any such land or mining rights are hereby ratified and confirmed. R.S.O. 1914, c. 32, s. 43.

FOREST RESERVES.

49. No person, mining partnership or company, not the holder of a miner's license, shall use or occupy any of the lands in a Crown Forest Reserve, or prospect for minerals or

conduct mining operations therein, and no licensee shall use or occupy any of the lands in a Crown Forest Reserve or prospect for minerals or conduct mining operations therein, except in accordance with regulations made under *The Forest Reserves Act.* R.S.O. 1914, c. 32, s. 44.

Mining
lands not
to be sold
on Forest
Reserve.

Mining
leases on
Forest
Reserves.

Subject to
regulations.

50. No land shall be sold for mining purposes in a Crown Forest Reserve. R.S.O. 1914, c. 32, s. 45.

51.—(1) A lease of lands in a Crown Forest Reserve permitting mining operations therein may be made for a period not exceeding ten years with the right of perpetual renewal for periods of not more than ten years.

(2) Every such lease and every renewal of it shall be subject to such regulations as may from time to time be made by the Lieutenant-Governor in Council. R.S.O. 1914, c. 32, s. 46.

LANDS UNDER TIMBER LICENSE.

Conditions
under which
exploration
may be
allowed on
timber
berths.

52. Except as herein otherwise provided, the holder of a miner's license may prospect for minerals on any Crown lands under timber license under and subject to the following provisions: R.S.O. 1914, c. 32, s. 47; *part.*

1. The holder of a miner's license may stake out and record a mining claim on such lands, and the recorder, within three days after the application for record, shall notify the Minister thereof and the Minister shall thereupon notify the timber licensee. 1922, c. 22, s. 11.

2. The provisions of this Act with reference to mining operations on the mining claim shall be suspended until it has been decided by the Minister of Lands and Forests whether mining operations shall be permitted to be carried on, and if the Minister of Lands and Forests decides that mining operations may be carried on, the time for the performance of the working conditions shall begin on the day fixed by the Minister of Lands and Forests, of which date notice shall be given to the recorder and the mining licensee.

3. The Minister of Lands and Forests may impose such restrictions and limitations as in his judgment may be necessary to protect the interests of the Crown and of all persons concerned.

4. The Lieutenant-Governor in Council may make regulations regarding the carrying on of mining operations on Crown lands under timber license, but the provisions of subsection 3 of section 188 shall apply to such regulations.

5. The rights conferred upon the holder of a miner's license under this section shall be subject to the payment to the timber licensee of the value of his interest in any timber cut or damaged upon such mining claim, and any dispute between the mining licensee and the timber licensee in respect to the quantity or the value thereof or otherwise shall be disposed of by the Minister of Lands and Forests, whose decision shall be final. R.S.O. 1914, c. 32, s. 47, pars. 2-5; 1920, c. 13, s. 3 (1-3).

PROHIBITING MINING WORK.

53. The Minister of Lands and Forests whenever he deems it necessary for the protection of timber may prohibit the carrying on upon Crown lands of mining work or other operations which would otherwise be lawful under this Act until such time and except in accordance with such restrictions and conditions as he may deem proper. R.S.O. 1914, c. 32, s. 48; 1920, c. 13, s. 3 (4). Minister may prohibit mining.

SIZE AND FORM OF MINING CLAIMS.

54. A mining claim in unsurveyed territory shall be laid out with boundary lines running north and south and east and west astronomically and the measurements thereof shall be horizontal, and in a township surveyed into lots or quarter sections or subdivisions of a section, a mining claim shall be such part of a lot or quarter section or subdivision of a section as is hereinafter defined, and the boundaries of all mining claims shall extend downwards vertically on all sides. R.S.O. 1914, c. 32, s. 49. Lines, how to be run.

Mining Claims not in a Special Mining Division.

55. Except in a special mining division,—

- (a) A mining claim in unsurveyed territory shall be a square of 40 acres, being 20 chains (1,320 ft.) on each side. Size and form of claim.
- (b) Where mining locations the property of the Crown in unsurveyed territory have been surveyed in conformity with any Act into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department of Lands and Forests, a mining claim staked out thereon shall be 20 chains in length by Size of claims.

by 20 chains in width, and one claim shall comprise the whole of a location 20 chains square. A location 40 chains in length by 20 chains in width may be divided into two mining claims by a line drawn through the centre thereof parallel to one of the shorter boundaries. In the case of a location 40 chains square a claim shall consist of one or other of the following subdivisions: the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter. In a location 80 chains in length by 40 chains in width where the length of the location is north and south, a claim shall consist of the northeast quarter of the north half, the northwest quarter of the north half, the southeast quarter of the north half, the southwest quarter of the north half or any like subdivision of the south half; and where the length of a location is east and west a claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, or the southwest quarter of the east half, or any like subdivision of the west half.

In townships surveyed into sections of 640 acres.

- (c) In a township surveyed into sections of 640 acres subdivided into quarter sections, or subdivisions containing 160 acres or thereabouts, a mining claim shall consist of the northeast quarter, the northwest quarter, the southeast quarter or the southwest quarter or a quarter section or subdivision, and shall contain 40 acres or thereabouts.

Townships surveyed into lots of 320 acres.

- (d) In a township surveyed into lots of 320 acres, a mining claim shall consist of the northwest quarter of the north half, the northeast quarter of the north half, the southwest quarter of the north half, the southeast quarter of the north half, or any like subdivision of the south half, and shall contain 40 acres or thereabouts.

Townships surveyed into lots of 200 acres.

- (e) In a township surveyed into lots of 200 acres a mining claim shall consist of the northeast quarter, the southwest quarter, the northwest quarter or the southeast quarter of the lot, and shall contain 50 acres or thereabouts.

Townships surveyed into lots of 150 acres.

- (f) In a township surveyed into lots of 150 acres, a mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of the lot, and shall contain $37\frac{1}{2}$ acres or thereabouts.

- (g) In a township surveyed into lots of 100 acres, a mining claim shall consist of the north half, the south half, the east half, or the west half of the lot, and shall contain 50 acres, or thereabouts. R.S.O. 1914, c. 32, s. 50; 1921, c. 16, s. 5 (4).

Townships
surveyed
into lots of
100 acres.

Claims in Special Mining Division.

56. In a special mining division,—

- (a) A mining claim in unsurveyed territory shall be a rectangle of 20 acres, having a length from north to south of 20 chains (1,320 ft.) and a width from east to west of 10 chains (660 ft.).
- (b) Where mining locations the property of the Crown in unsurveyed territory have heretofore been surveyed in conformity with the provisions of any Act into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department of Lands and Forests a mining claim staked out thereon shall consist of the east half or the west half of a location 20 chains square, or the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of a location 40 chains in length by 20 chains in width; or the west half or the east half of any of the following subdivisions of a location 40 chains square, namely, the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter; or the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivision of the southeast quarter, the southwest quarter, or the northwest quarter of a location 80 chains in length by 40 chains in width, or where the length of such location is east and west, of the east half or the west half of the northeast quarter of the east half, the east half or the west half of the southeast quarter of the east half, the east half, or the west half of the northwest quarter of the east half, or the east half or the west half of the southwest quarter of the east half or of a corresponding subdivision of the west half of the location, and every

such

such mining claim shall contain 20 acres or thereabouts.

In township surveyed into sections of 640 acres.

- (c) In a township surveyed into sections of 640 acres, where the sections have been subdivided into quarter sections or subdivisions, a mining claim shall consist of either the west half or the east half of the northeast quarter, the southeast quarter, the northwest quarter or the southwest quarter of a quarter section or subdivision, and shall contain 20 acres or thereabouts.

In townships surveyed into lots of 320 acres

- (d) In a township surveyed into lots of 320 acres, a mining claim shall consist of the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivision of the southeast quarter, the southwest quarter of the northwest quarter of the lot, and shall contain 20 acres or thereabouts.

In townships surveyed into lots of 200 acres.

- (e) In a township surveyed into lots of 200 acres, a mining claim where the side lines of the lots run northerly and southerly shall consist of the northeast quarter of the north half, the southeast quarter of the north half, the northwest quarter of the north half, the southwest quarter of the north half, or any like subdivision of the south half, and where the side lines of the lots run easterly and westerly, the mining claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, the southwest quarter of the east half, or any like subdivision of the west half, and every such mining claim shall contain 25 acres or thereabouts.

In townships surveyed into lots of 150 acres.

- (f) In a township surveyed into lots of 150 acres a mining claim shall consist of the north half or the south half of the northeast quarter, the northwest quarter, the southeast quarter or the southwest quarter of the lot, and shall contain 18 $\frac{3}{4}$ acres or thereabouts.

In townships surveyed into lots of 100 acres.

- (g) In a township surveyed into lots of 100 acres, a mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of a lot, and shall contain 25 acres or thereabouts. R.S.O. 1914, c. 32, s. 51; 1921, c. 16, s. 5 (5).

Irregular Areas, etc.

57.—(1) In unsurveyed territory an irregular portion of land lying between land not open to be staked out, or bordering on water, may be staked out with boundaries coterminous thereto, but the claim shall be made to conform as nearly as practicable to the prescribed form and area and shall not exceed the prescribed area.

(2) In a surveyed township where, by reason of land covered with water being excluded from the area of a lot, quarter-section or subdivision of a section, or by reason of the lot, quarter-section or subdivision being irregular in form, or from any other cause, it is impossible to stake out a mining claim of the prescribed area in accordance with the foregoing provisions of this Act, the mining claim shall as nearly as is practicable be of the prescribed form and area, and shall have such, if any, of its boundaries as can be so made coincident with boundary lines of the lot, quarter-section or subdivision of a section, and shall have as many as possible of its boundaries which are not so coincident parallel to boundaries of the lot, quarter-section or subdivision which are straight lines, and where necessary to procure the prescribed area the mining claim may extend into any part of the lot or quarter-section or subdivision of a section, but not into any other lot or quarter-section or subdivision of a section, and land lying between parcels of land not open to be staked out or between such land and a boundary or boundaries of the lot, quarter-section or subdivision of a section, may be staked out with boundaries coterminous thereto, but the claim shall be made to conform as nearly as practicable to the prescribed form and area and shall not exceed the prescribed area. R.S.O. 1914, c. 32, s. 52 (†, 2). *Amended.*

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter section or subdivision of a section, or have constituted a lot, quarter-section, or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section, or subdivision of a section; but wherever a claim includes land covered with or bordering on water there may be reserved to the Crown, the surface rights in a strip of land along the shore 66 feet in perpendicular width from the water's edge and such other rights of access and passage to, from and over the water as to the Minister may seem desirable, and in the case of navigable water a lease or license only to extract the ore or mineral, and not a patent, shall be granted. R.S.O. 1914, c. 32, s. 52 (3); 1919, c. 12, s. 2.

Number of
licensees
which may
be applied
for in one
year.

58. A licensee shall not in any one license year in any one mining division or in territory not included in a mining division, stake out or apply for:

- (a) more than three mining claims on his own license; nor
- (b) more than three claims each for more than two other licensees;

being nine claims in all. 1920, c. 13, s. 4. *Amended.*

STAKING OUT CLAIMS.

Staking out
and planting.

59.—(1) A mining claim shall be staked out by,—

- (a) planting or erecting a post at each of the four corners of the claim, beginning with and marking that at the northeast corner "No. 1," that at the southeast corner "No. 2," that at the southwest corner "No. 3," and that at the northwest corner "No. 4," so that the number shall be on the side of the post toward the post next following it in the order named;
- (b) writing or placing on No. 1 post the name of the licensee staking out the claim, the letter and number of his license, the date and hour of staking out, and, if the claim is staked out on behalf of another licensee, also the name of such other licensee and the letter and number of his license, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;
- (c) writing or placing on No. 2, No. 3 and No. 4 posts the name of the licensee staking out the claim, and, if the claim is staked out on behalf of another licensee, also the name of such other licensee; and
- (d) plainly blazing the trees on two sides only where there are standing trees, and cutting the underbrush along the boundary lines of the claim, or where there are not standing trees, clearly indicating the outlines of the claim, by planting thereon durable pickets not less than five feet in height, at intervals of not more than two chains (132 feet) or by erecting at such intervals monuments of earth or rock not less than two feet in diameter at the base, and at least two feet high so that the lines may be distinctly seen. 1922, c. 22, s. 12.

Witness
post.

(2) Where at a corner of the claim the nature or conformation of the ground renders the planting or erecting of a post impracticable, such corner may be indicated by planting or erecting at the nearest practicable point a witness post which

shall

shall bear the same marking as that prescribed for the corner post at that corner together with the letters "W.P." and an indication of the direction and distance of the site of the true corner from the witness post.

(3) Every post shall stand not less than four feet above the ground, and shall be squared or faced on four sides for at least one foot from the top, and each side shall measure at least four inches across where squared or faced, but a standing stump or tree may be used as a post if cut off and squared and faced to such height and size, and when the survey is made the centre of the tree or stump where it enters the ground shall be taken as the point to or from which the measurement shall be made.

(4) The following diagrams are intended to illustrate the method of staking out a claim as mentioned in subsections 1 and 2.

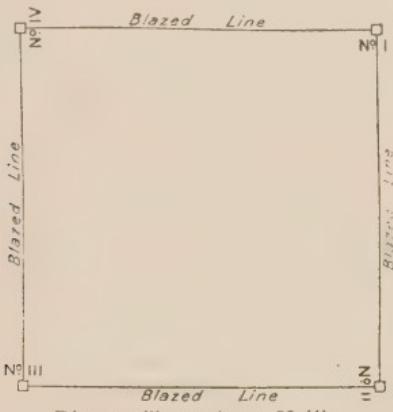


Diagram illustrating s. 59 (1).

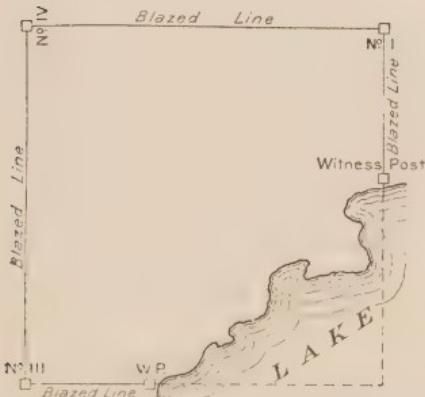


Diagram illustrating s. 59 (2).

*Mode of
planting,
squaring,
etc., of posts.*

Forfeiture
of right
to further
staking.

60.—(1) A licensee or other person who for any purpose does any staking out or plants, erects or places any stake, post, or marking upon any land open to prospecting except as authorized by this Act, or causes or procures the same to be done, or who stakes out or partially stakes out any such lands, or causes or procures the same to be done, and fails to record the staking out with the recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mining claim thereon, unless he notifies the recorder in writing of such staking out, partial staking out, or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose and pays to the recorder a fee of \$20 and procures from him a certificate stating that the recorder is satisfied that he so acted.

Entry of
forfeiture.

(2) The recorder shall enter every such certificate in his books with the date of its issue. R.S.O. 1914, c. 32, s. 57.

Substantial
compliance
with Act
sufficient.

61. Substantial compliance as nearly as circumstances will reasonably permit with the requirements of this Act as to the staking out of mining claims shall be sufficient. R.S.O. 1914, c. 32, s. 58.

APPLICATIONS TO RECORD.

Plan and
application
to be fur-
nished to
recorder.

62.—(1) A licensee who has staked out a mining claim, or upon whose behalf a mining claim has been staked out, shall within fifteen days thereafter or within the further time allowed by subsection 4, furnish the recorder with an outline, sketch or plan of the mining claim showing the corner posts and the witness posts, if any, and their distance from each other in feet, together with an application in the prescribed form, setting forth the name of the licensee by whom the claim was staked out, and of the licensee on whose behalf the application is made, and the letters and number of their licenses, the name, if any, of the claim, and in the case of unsurveyed territory, its locality indicated by some general description and such other information as will enable the recorder to indicate the claim on his office map, or in the case of a surveyed township, designating the lot, quarter-section, or subdivision of a section, and the portion thereof comprised in the claim, the length of the outlines, and if for any reason they are not regular, the nature of such reason, the day and hour when the claim was staked out and the date of the application, and with the application shall be paid the prescribed fee. 1922, c. 22, s. 14. *Part.*

Application
for free
grant.

(2) If a licensee claims to be entitled to a free grant of a mining claim under section 101, he shall, in addition to the application to record the claim, make application in the form prescribed for the free grant. R.S.O. 1914, c. 32, s. 59 (2).

(3) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the licensee who staked out the claim, showing the date of the staking out and stating that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not open to be staked out as a mining claim, that the deponent verily believes they were so open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing or improvements for farming or other purposes except as set forth in the affidavit, and an applicant for a free grant shall also file an affidavit in the prescribed form showing his right thereto. 1922, c. 22, s. 14. *Part.*

(a) Any affidavit required to be made under this subsection may be taken before an Ontario land surveyor.
New.

(4) Where the claim is situate more than ten miles in a straight line from the office of the recorder for each additional Additional time allowed in consideration of distance. ten miles or fraction thereof an additional day shall be allowed for recording. R.S.O. 1914, c. 32, s. 59 (4).

(5) Where it appears that there has been an attempt made in good faith to comply with the provisions of this Act, the inclusion of more or less than the prescribed area in a mining claim, or the failure of the licensee to describe or set out in the application, sketch or plan furnished to the recorder the actual area or parcel of land staked out shall not invalidate the claim. 1914, c. 14, s. 2.

63. A licensee by or on whose behalf an application is made to record a mining claim shall at the time of the application produce the license of the licensee by whom the staking out was done and of the licensee by or on whose behalf the application is made to the recorder, and the recorder shall endorse and sign upon the back of the last mentioned license a note in writing of the record of the claim, and no such record shall be complete or effective until such endorsement is made unless upon application to or in any case coming before the judge he deems it just that compliance with the requirements of this section should be excused. R.S.O. 1914, c. 32, s. 60.

64. If by error a licensee records a mining claim in a division other than that in which the claim is situate the error shall not affect his title to the claim, but he shall within fifteen days

Affidavit to accompany map.

Additional time allowed in consideration of distance.

Misdescription when not to invalidate claim.

Endorsement of claims recorded or license.

Licensee recording in another division by error.

days from the discovery of the error record the claim in the division in which it is situate, and the new record shall bear the date of the former record, and a note shall be made thereon of the error and of the date of rectification. R.S.O. 1914, c. 32, s. 61.

What to be recorded.

65.—(1) The recorder shall forthwith enter in the proper book in his office the particulars of every application to record a mining claim which he deems to be in accordance with the provisions of this Act, unless a prior application is already recorded and subsisting for the same, or for any substantial portion of the same lands or mining rights, and he shall file the application, sketch or plan and affidavit with the records of his office; and every application proper to be recorded shall be deemed to be recorded when it is received in the recorder's office, if all requirements for recording have been complied with, notwithstanding that the application may not have been immediately entered in the record book.

Procedure, when refused.

(2) If an application is presented which the recorder deems to be not in accordance with this Act, or which is for lands or mining rights which or any substantial portion of which are included in a subsisting recorded claim, he shall not record the application, but shall, if desired by the applicant, upon receiving the prescribed fee, receive and file the application, and any question involved may be adjudicated as provided in this Act; but such filing shall not be deemed a dispute of the recorded claim, nor shall it be noted or dealt with as such, unless a dispute verified by affidavit is filed with the recorder by the applicant or by another licensee on his behalf as in the next following section provided. R.S.O. 1914, c. 32, s. 62 (1, 2).

Adjudication.

Tagging No. 1 post after recording.

(3) As soon as reasonably possible after the recording of the mining claim, and not later than the expiration of the time for performing the first instalment of work, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the recorder or judge on the application of any one misled by the lack of such tags. The recorder on application shall supply such numbered tags free of charge. R.S.O. 1914, c. 32, s. 62 (3); 1919, c. 12, s. 3.

DISPUTING APPLICATIONS.

Dispute of recorded claim.

66.—(1) A dispute in the prescribed form, verified by affidavit in the prescribed form, may be filed with the recorder by a licensee alleging that any recorded claim is illegal or invalid in whole or in part, and if the disputant or the licensee

in whose behalf he is acting claims to be entitled to be recorded for or to be entitled to any right or interest in the lands or mining rights, or in any part thereof comprised in the disputed claim the dispute shall so state, giving particulars; and the recorder shall, upon payment of the prescribed fee, receive and file such dispute, and shall enter a note thereof upon the record of the disputed claim. R.S.O. 1914, c. 32, s. 63 (1).

(2) A copy of the dispute and affidavit shall be left by the disputant with the recorder who shall not later than the next day after the filing of the dispute transmit such copy by registered post to the recorded holder or holders of the mining claim affected thereby. If the copy is not left, the recorder may refuse to file or note the dispute or may collect from the disputant ten cents per folio for making the copy. R.S.O. 1914, c. 32, s. 63 (2); 1918, c. 9, s. 3.

*Copy to
be sent to
recorded
holder.*

(3) A dispute shall not be received unless it contains or has endorsed thereon an address for service at some place not more than five miles distant from the recorder's office, and the provisions of subsections 4 and 5 of section 132 shall apply in respect to service upon the disputant.

*Address for
for service of
disputant.*

(4) A dispute shall not be received or entered against any claim after a certificate of record thereof has been granted, nor except by leave of the judge after the validity of the claim has been adjudicated upon by the recorder or by the judge, or after it has been on record for sixty days and has already had a dispute entered against it; but this amendment is not retroactive and shall not apply to any case where such validity has heretofore been adjudicated upon by the recorder or by the judge. R.S.O. 1914, c. 32, s. 63 (3, 4).

*Not to be
received
after certi-
ficate issued.*

CERTIFICATE OF RECORD.

67.—(1) When a mining claim not in a special mining division has been recorded for sixty days, the recorder shall, upon application of the holder of the claim, give a certificate of record in the prescribed form, provided that there is no dispute standing against the claim, and the surface rights compensation, if any, has been paid or secured, and unless by reason of an order, pending proceeding or other special matter or thing, it would be improper to give such certificate.

*Granting
certificate
of record.*

(2) If a portion of the claim is unaffected by any matter or reason mentioned in subsection 1, the recorder may, if he deems proper, give a certificate of record as to such portion. 1922, c. 22, s. 15.

*Certificate
as to portion
of claim.*

Effect of issue and delivery of certificate of issue.

68. The certificate of record, in the absence of mistake or fraud, shall be final and conclusive evidence of the performance of all the requirements of this Act, except working conditions, in respect to the mining claim up to the date of the certificate; and thereafter the mining claim shall not in the absence of mistake or fraud be liable to impeachment or forfeiture except as expressly provided by this Act. R.S.O. 1914, c. 32, s. 65.

Cancelling certificate of record issued by mistake, etc.

69. Where the certificate of record has been issued in mistake or has been obtained by fraud, the judge shall have power to revoke and cancel it on the application of the Crown or an officer of the Department, or of any person interested. R.S.O. 1914, c. 32, s. 66.

RIGHTS OF LICENSEE.

Rights in claim.

70. The staking out or the filing of an application for, or the recording of a mining claim, or all or any of such acts, shall not confer upon a licensee any right, title, interest or claim in or to the mining claim, other than the right to proceed, as in this Act provided to obtain a certificate of record and a patent from the Crown; and prior to the issue of a certificate of record the licensee shall be merely a licensee of the Crown, and after the issue of the certificate and until he obtains a patent he shall be a tenant at will of the Crown in respect of the mining claim. R.S.O. 1914, c. 32, s. 68.

Right of free assay by assay office.

71. Every licensee who stakes out and records a mining claim on his own license shall be given by the recorder two free assay coupons on recording the same, and two additional free assay coupons on recording each forty days' work thereafter, and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with one coupon for each sample, he shall be entitled to have the same assayed for one or other of the following metals—namely, gold, silver, copper, lead, zinc, or metallic iron, or upon forwarding or giving two coupons he may have one assay made for one or other of the following metals—namely, nickel, cobalt, tin or tungsten. 1921, c. 16, s. 10. *Part.*

Where claim abandoned, cancelled or forfeited.

72. Where the recorded holder of a mining claim abandons the same, or where the claim is cancelled or forfeited under this Act, he may take from the same any machinery, chattels or personal property, and any ore or mineral he may have extracted therefrom belonging to him, within six months after such abandonment, cancellation or forfeiture, or within such further time as may be fixed by the judge. Any such machinery, property or ore remaining on the claim after the expiry of such time shall belong to His Majesty for the use of Ontario. 1921, c. 16, s. 10. *Part.*

ADDRESS FOR SERVICE.

73. Every application for a mining claim and every other application and every transfer or assignment of a mining claim or of any right or interest acquired under the provisions of this Act shall contain, or have endorsed thereon, the place of residence and post office address of the applicant, transferee or assignee, and also, when he is not a resident in Ontario, the name, residence and post office address of some person resident in Ontario upon whom service may be made. R.S.O. 1914, c. 32, s. 69 (1); 1922, c. 22, s. 17.

(2) No such application, transfer or assignment shall be filed or recorded unless it conforms with the provisions of the next preceding subsection.

(3) Another person resident in Ontario may be substituted as the person upon whom service may be made by filing in the office in which any such application, transfer or assignment is filed or recorded, a memorandum setting forth the name, residence and post office address of such other person, and such substitution may be made from time to time as occasion may require.

(4) Service upon the person named as the person upon whom service may be made, unless another person has been substituted for him under the provisions of subsection 3, and in case of such substitution upon the person substituted shall have the same effect as service upon the person whom he represents.

(5) The provisions of the next preceding subsection shall apply to every notice, demand or proceeding in any way relating to a mining claim or to mining rights or to any other right or interest which may be acquired under the provisions of this Act. R.S.O. 1914, c. 32, s. 69 (2-5).

TRUSTS, AGREEMENTS AND TRANSFERS.

74.—(1) Notice of a trust, express, implied or constructive, relating to any unpatented mining claim shall not be entered on the record or be received by a recorder.

(2) Describing the holder of the mining claim as a trustee, whether the beneficiary or object of the trust is mentioned or not, shall not impose upon any person dealing with such holder, the duty of making any enquiry as to his power to deal therewith, but the holder may deal with the claim as if such description had not been inserted.

Saving of rights of others.

(3) Nothing in this section shall relieve the holder of the mining claim who is in fact a trustee thereof or of any part or share thereof or interest therein, from liability as between himself and any person, mining partnership or company for whom he is a trustee, but such liability shall continue as if this section had not been enacted, nor shall any provision in this Act relieve the holder from any personal liability or obligation. R.S.O. 1914, c. 32, s. 70.

Necessity for writing signed.

75.—(1) No person shall be entitled to enforce any claim, right or interest, contracted for or acquired before the staking out, to or in or under any staking out or recording of a mining claim or of any mining lands or mining rights done in the name of another person unless the fact that such first-mentioned person is so entitled is made to appear by a writing signed by the holder of the claim or by the licensee by whom or in whose name the staking out or recording was done or the evidence of such first-mentioned person is corroborated by some other material evidence, and where a right or interest is so made to appear the provisions of the Statute of Frauds shall not apply.

Sales or transfers after staking out.

(2) No person shall be entitled to enforce any contract, made after the staking out, for sale or transfer of a mining claim or any mining lands or mining rights, or any interest in or concerning the same, unless the agreement or some note or memorandum thereof is in writing signed by the person against whom it is sought to enforce the contract or by his agent thereunto by him lawfully authorized. R.S.O. 1914, c. 32, s. 71.

Transfer, form of.

76. A transfer of an unpatented mining claim or of any interest therein may be in the prescribed form and shall be signed by the transferor or by his agent authorized by instrument in writing. R.S.O. 1914, c. 32, s. 72.

RECORDING DOCUMENTS.

Prerequisites for recording instruments.

77. Except as in this Act otherwise expressly provided, no transfer or assignment of or agreement or other instrument affecting a mining claim or any recorded right or interest acquired under the provisions of this Act, shall be entered on the record or received by a recorder unless the same purports to be signed by the recorded holder of the claim or right or interest affected or by his agent authorized by recorded instrument in writing, nor shall any such instrument be recorded without an affidavit in the prescribed form, attached to or endorsed thereon, made by a subscribing witness to the instrument. R.S.O. 1914, c. 32, s. 73.

78. After a mining claim or any other right or interest acquired under the provisions of this Act has been recorded every instrument other than a will affecting the claim or any interest therein shall be void as against a subsequent purchaser or transferee for valuable consideration without actual notice unless such instrument is recorded before the recording of the instrument under which the subsequent purchaser or transferee claims. R.S.O. 1914, c. 32, s. 74.

79. The recording of an instrument under this Act shall constitute notice of the instrument to all persons claiming any interest in the claim subsequent to such recording, notwithstanding any defect in the proof for recording, but nevertheless it shall be the duty of the recorder not to record except upon the proof required by this Act. R.S.O. 1914, c. 32, s. 75.

80. Priority of recording shall prevail unless before the prior recording there has been actual notice of the prior instrument by the party claiming under the prior recording. R.S.O. 1914, c. 32, s. 76.

81.—(1) The recorder shall enter upon the record of any unpatented mining claim or other recorded right or interest a note of any order or decision made by him affecting the same, giving its date and effect and the date of the entry; and he shall upon receiving with the prescribed fee, an order or decision of the judge, or an order, judgment or certificate in an appeal from him, or a certified or sworn copy thereof, file the same and enter a note thereof upon the record of the claim or right or interest affected thereby.

(2) In a proceeding calling in question any interest in an unpatented mining claim or other recorded right or interest the judge or recorder may issue a certificate in the prescribed form, and upon receipt thereof and payment of the prescribed fee the recorder shall file and note it as herein above directed.

(3) The filing of a certificate shall be actual notice to all persons of the proceeding.

(4) The certificate, and the filing and noting thereof, shall be of no effect for any purpose whatever after the expiration of ten days from the date of filing unless within that time an order continuing the same is obtained from the judge or the recorder, and any person interested may at any time apply to the judge for an order vacating the certificate. R.S.O. 1914, c. 32, s. 77 (1-4).

*Notification
of continu-
ance or
vacating of
its pendens.*

(5) On receipt by the recorder of such order he shall forthwith transmit by registered post a copy of the same to every recorded holder of an interest in the mining claim. 1918, c. 9, s. 4.

*Execution
against
claims, etc.*

(6) A copy of a writ of execution certified by the sheriff of the county or district, or a bailiff of a division court therein, to be a true copy of a writ in his hands may be filed with the recorder, and the recorder, upon receiving the prescribed fee and being given the number or description of the claim, shall enter a note of such execution upon the record of each claim of which the execution debtor is the recorded holder or in which he has a recorded interest, and from and after, but not before, such entry, the execution shall bind all the right or interest of the execution debtor in the claim, and after such entry the sheriff or bailiff shall have power to sell and realize upon such right or interest in the same way as goods and chattels may be sold and realized upon under execution, and a transfer from the sheriff or bailiff to the purchaser may, upon the latter becoming, if he is not before, a licensee, be recorded in like manner and with the same effect as a transfer from the execution debtor.

*Certified
copy,—fee
therefor.*

(7) Such certified copy of the writ of execution may be obtained from the sheriff or bailiff on payment of a fee of \$1, which fee, together with the fee paid for recording the same, shall be added to the execution debt.

*Renewal of
execution.*

(8) After entry of such execution upon the record of the claim the sheriff, bailiff or the execution creditor may do anything which the execution debtor could do to keep the claim or interest in or restore it to good standing, and shall be entitled to add the necessary expense thereof to the execution debt.

*Discharge of
execution.*

(9) Such execution may be discharged by recording a certificate from the sheriff or bailiff that it has been satisfied, or by recording a release from the execution creditor, or by obtaining and filing an order of the commissioner directing its removal. 1924, c. 18, s. 2.

WORKING CONDITIONS.

*Working
conditions
on mining
claims.*

82.—(1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as

follows:

follows: At least thirty days' work within three months immediately following the recording of the claim, and not less than forty days in each of the remaining four years' provided that in any one of the said five years ten days, additional work shall be done to make up the total of two hundred days. 1921, c. 16, s. 11 (1).

(2) The work may be completed in a less period of time Work done within earlier period and allowance for excess.
than herein specified. If more work is performed by or on behalf of the recorded holder than is herein required during the first three months or in any subsequent year, the excess upon proof of the same having been performed shall be credited by the recorder upon the work required to be done during any subsequent year. R.S.O. 1914, c. 32, s. 78 (2).

(3) Boring by diamond or other core drill shall count as Drilling work at the rate of two days' work for every foot of boring, and work by a drill operated by compressed air shall count as work at the rate of three days' work for each man necessarily employed upon each drill so operated. 1921, c. 16, s. 11 (2). *Amended.*

(4) The recorded holder of a mining claim shall, not later Report of holder upon work.
than ten days after each of the periods specified make a report in the prescribed form as to the work done or caused to be done, by him during such period, verified by affidavit in the prescribed form, but a report shall not be required for any period in which in consequence of the work having been previously done and reported no work has been done. The report shall show in detail the names and residences of the men who performed the work and the dates upon which each man worked in its performance. R.S.O. 1914, c. 32, s. 78 (4); 1914, c. 14, s. 3 (2).

(5) The recorder if satisfied that the prescribed work has Certificate of performance.
been duly performed may grant a certificate in the prescribed form, but he may first if he deems proper inspect or order the inspection of the work, or otherwise investigate the question of its sufficiency and such certificate, in the absence of fraud or mistake, shall be final and conclusive evidence of the due performance of the work therein certified, but where it has been issued in mistake or obtained by fraud the judge shall have power to revoke and cancel it upon the application of the Crown or an officer of the department or any person interested.

(6) The decision of the judge as to the due performance of Decision of Judge.
work shall be final. R.S.O. 1914, c. 32, s. 78 (5, 6). final.

Work to be performed on claims.

(7) A license holder may perform all the work required to be performed by him in respect of not more than six contiguous mining claims held by him on one or more of such claims and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied. R.S.O., 1914, c. 32, s. 78 (7). *Amended.*

Certain work not regarded.

(8) The construction of houses or roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section. R.S.O. 1914, c. 32, s. 78 (8).

Cost of survey to count as labour in working conditions.

(9) The actual cost of the survey of a mining claim in compliance with sections 107 or 108 shall count as labour performed on the said claim at the rate of \$4 per day, but in no case shall more than thirty days' labour be so counted. 1919, c. 12, s. 5; 1920, c. 13, s. 6.

Computation of Time—Extensions.

Periods excluded in computing time for performance of working conditions.

83. In computing the time within which work upon a mining claim is required to be performed, the following periods of time shall be excluded,—

- (a) all time which by an Order-in-Council or regulation is excluded;
- (b) in a Forest Reserve the time elapsing between the delivery by the holder of a mining claim to the Department of an application to work upon the same and the granting of such permission;
- (c) in the case of lands under timber license the time during which working conditions are suspended under section 52; R.S.O. 1914, c. 32, s. 79 (a-c);
- (d) the time during which mining operations are prohibited by the Minister of Lands and Forests under section 53; R.S.O. 1914, c. 32, s. 79 (a); 1920, c. 13, s. 3 (5);
- (e) for the first instalment of work the time between the 16th of November and the 15th of April, both days inclusive, but this shall not have the effect of extending the time for the performance of any subsequent instalment of work. 1922, c. 22, s. 18.

Extension of time for performance.

84.—(1) If by reason of pending proceedings or of the death or incapacity from illness of the holder of a mining claim the work is not performed within the prescribed time, the recorder may from time to time extend the time for the

performance of such work for such period as he may deem reasonable and he shall forthwith enter a note of every such extension on the record of the claim.

(2) Work performed within any such extended period shall be deemed to have been duly performed under section 82.^{done during extension.} R.S.O. 1914, c. 32, s. 80.

85.—(1) Where two or more persons are the holders of an unpatented mining claim, each of them shall contribute proportionately to his interest, or as they may otherwise agree between themselves, to the work required to be done thereon or to a survey, patent or the first year's rental of a lease. In case of default by any holder the judge upon the application of any other holder and upon notice to and after hearing all persons interested or such of them as appear, may make an order vesting the interest of the defaulter in the other co-owners or in any of them upon such terms and conditions and in such proportions as he may deem just. R.S.O. 1914, c. 32, s. 81 (1); 1916, c. 12, s. 2; 1918, c. 9, s. 6.

(2) Subsection 1 shall apply to all mining claims staked out or applied for on or after the 14th day of May, 1906, or before that day under regulations made under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897. R.S.O. 1914, c. 32, s. 81 (2).^{Application of subs. 1.}

86. Where the holder of any interest in a mining claim has made default in payment for work performed thereon by a person not the holder of an interest in the mining claim, the judge, upon the application of such person and upon notice to and after hearing all persons interested, or such of them as appear, may make an order vesting the interest in the mining claim of the holder in default, or any part of such interest, in the applicant. 1925, c. 20, s. 3.^{Charge of person doing work on mining claim.}

ABANDONMENT.

87.—(1) A licensee may, at any time, abandon a mining claim by giving notice in writing in the prescribed form to the recorder of his intention so to do.^{Right of licensee to abandon.}

(2) The recorder shall enter a note of such abandonment upon the record of the claim with the date of the receipt of the notice and shall forthwith post up in his office a notice of the abandonment, marked with the date of the posting up thereof, and thereupon all interest of the licensee in such claim shall cease and determine, and the claim shall, on and after, but not before the eleventh day after such posting up, inclusive of the day of posting up, be open for prospecting and staking out. R.S.O. 1914, c. 32, s. 82.^{Entry of note of abandonment.}

Effect of non-compliance with Act or direction of recorder as abandonment.

88. Non-compliance by the licensee with any requirement of this Act as to the time or manner of the staking out and recording of a mining claim or with a direction of the recorder in regard thereto, within the time limited therefor, shall be deemed to be an abandonment, and the claim shall, without any declaration entry or act on the part of the Crown or by any officer, unless otherwise ordered by the judge be forthwith open to prospecting and staking out. R.S.O. 1914, c. 32, s. 83.

FORFEITURE.

Causes of forfeiture of mining claim.

89.—(1) Except as provided by section 90, all the interest of the holder of a mining claim before the patent thereof has issued shall, without any declaration, entry or act on the part of the Crown or by any officer, cease and the claim shall forthwith be open for prospecting and staking out,—

- (a) if the license of the holder has expired, and has not been renewed;
- (b) if, without the consent in writing of the recorder or judge, or for any purpose of fraud or deception or other improper purpose the holder removes or causes or procures to be removed any stake or post forming part of the staking out of such mining claim, or for any such purpose changes or effaces or causes to be changed or effaced any writing or marking upon any such stake or post;
- (c) if the prescribed work is not duly performed;
- (d) if any report under subsection 4 of section 82 is not made and deposited with the recorder as therein required;
- (e) if the application and payment for the patent required by sections 99 and 100 are not made within the prescribed time. R.S.O. 1914, c. 32, s. 84 (1); 1916, c. 12, s. 3.

Proceedings as to forfeiture.

(2) No person other than the Minister or an officer of the Department, or a licensee interested in the property affected shall be entitled to raise any question of forfeiture except by leave of the judge. Proceedings raising questions of forfeiture shall not be deemed to be or be entered as disputes under section 66. R.S.O. 1914, c. 32, s. 84 (2).

Relief against forfeiture.

90.—(1) Where forfeiture or loss of rights has occurred under section 89, the judge within three months after default may, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of

rights,

rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revest in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 89, the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause *d* of the said subsection the holder shall file a proper report and pay therewith a special fee of \$10. 1918, c. 9, s. 7; 1919, c. 12, s. 6.

(2) The recorder, upon any forfeiture or abandonment of ^{Record of} ~~feiture~~, or loss of rights in a mining claim, shall forthwith enter a note thereof, with the date of entry, upon the record of the claim and mark the record of the claim "Cancelled," and shall forthwith post up in his office a notice of cancellation. 1914, c. 14, s. 4. *Part.*

91. The Lieutenant-Governor in Council, upon the recommendation of the Minister and the report of the judge, may, upon such terms, if any, as to compensation in respect of any intervening right or otherwise as he may deem just, relieve against any forfeiture or loss of rights under section 89 which he deems to be a hardship and re-vest the forfeited right or interest in the person who would but for the forfeiture have been entitled thereto. R.S.O. 1914, c. 32, s. 86; 1914, c. 14, s. 5.

92. In the case of joint holders where the interest of a ^{Interest of} ~~holder~~ ^{joint holder} has ceased by reason of the expiration of his license, ^{on expiry of} ~~his license~~ such interest shall, if the judge so directs, pass to and vest in the other holders in proportion to their interests in the claim. R.S.O. 1914, c. 32, s. 87; 1922, c. 22, s. 19.

93. Where a licensee in whose name a mining claim has been staked out, dies before the claim is recorded, or where the holder of a claim dies before issue of the patent or lease for the claim, no other person shall, without leave of the judge, be entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the judge may at any time make such order as may seem just for vesting the claim in the representative of such holder, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act. 1924, c. 18, s. 4.

INSPECTION OF CLAIMS.

94.—(1) The judge or the recorder may inspect or order ^{Inspection} ~~by Judge~~ ^{by recorder or} ~~inspector~~ an inspection of, and an inspector or other officer appointed by

the

Exception.

the Minister may inspect a mining claim at any time with or without notice to the holder for the purpose of ascertaining whether the provisions of this Act have been complied with, but after the granting of the certificate of record no such inspection shall, except by order of the judge, be made for the purpose of ascertaining whether the claim has been staked out in the prescribed manner. R.S.O. 1914, c. 32, s. 89 (1); 1922, c. 22, s. 20.

Application by holder for re-inspection.

(2) Unless notice of the inspection has been given to the holder of the claim at least seven clear days prior thereto, either personally or by registered letter addressed to him at his address appearing on record in the recorder's books he may apply to the judge or to the recorder for a re-inspection and the same shall be granted if it appears that the holder of the claim has been prejudiced by the want of notice.

View or inspection in disputes, etc.

(3) The judge or recorder may in any dispute, appeal or other proceeding before him make or order with or without notice a view or inspection of any mining claim or of any lands or other property. R.S.O. 1914, c. 32, s. 89 (2, 3).

Filing and entry of report of inspection.

95.—(1) A report of each inspection, except when made merely for the purpose of a dispute, appeal or other proceeding, shall be made in writing by the inspecting officer and shall be filed in the office of the recorder who shall forthwith enter upon the record of the claim a note stating the effect of the report and the date of the entry.

Cancelling claim upon report.

(2) If the recorder deems that upon the report the claim should be cancelled he shall mark the record of the claim "Cancelled" and affix his signature or initials and shall by registered letter mailed not later than the next day notify the holder of the claim and the disputant and other interested parties, if any, of the receipt and effect of the report, and where the claim is cancelled in consequence of the report the notice shall so state.

Appeal from cancellation or allowance to the Judge.

(3) An appeal from the cancellation of the claim or from the entry by the recorder in his record book of the allowance of the discovery may be taken to the judge by the holder of the claim or by the disputant or other interested party, within the time and in the manner provided by section 132.

Effect of cancellation.

(4) Upon the cancellation of a claim under this section the recorder shall forthwith post up in his office a notice of the cancellation, and the land or mining rights comprised in such claim shall thereupon, unless withdrawn from prospecting and staking out, be again open to prospecting and staking out, but such staking out shall be subject to the result of any appeal by a licensee whose claim has been cancelled. R.S.O. 1914, c. 32, s. 91.

96. The holder of a mining claim or the disputant or other person interested shall be entitled on payment of the prescribed fee to receive from the recorder a certified copy of any report of inspection of the claim filed with him. R.S.O. 1914, c. 32, s. 93.

SURFACE RIGHTS COMPENSATION.

97.—(1) Where the surface rights of land have been granted, sold, leased, or located with reservation of mines, minerals or mining rights to the Crown, or where land is occupied by a person who has made improvements thereon which in the opinion of the Minister entitle him to compensation, a licensee who prospects for mineral, or stakes out a mining claim or an area of land for a boring permit, or carries on mining operations upon such land shall compensate the owner, lessee, locatee, or occupant, for all injury or damage which is or may be caused to the surface rights by such prospecting, staking out or operations, and in default of agreement the amount and the manner, and time of payment of compensation shall be determined by the judge upon application to him after notice to the persons interested, and, subject where the amount awarded exceeds \$1,000 to appeal to a divisional court, his order shall be final and may be enforced as provided in section 131 of this Act. R.S.O. 1914, c. 32, s. 104 (1); 1921, c. 16, s. 12; 1922, c. 22, s. 22.

(2) The judge may order the giving of security for payment of the compensation and may prohibit, pending the determination of the proceeding or until the compensation is paid or secured, further prospecting, staking out or working by such licensee or any person claiming under him. Prohibiting work pending settlement.

(3) Where an order is made prohibiting the prospecting, staking out or working of a mining claim under the provisions of subsection 2, no other licensee shall have the right to prospect or stake out a mining claim to the prejudice of the prohibited licensee while the proceeding is pending. Other licensees not to prospect, etc., pending proceedings.

(4) The compensation shall be a special lien upon any mining claim or other right or interest acquired by the licensee or any person claiming under him in the land so prospected, staked out or worked, and no further prospecting, staking out or working, except by leave of the judge, shall be done by the licensee or any person claiming under him after the time fixed for the payment or securing of the compensation unless such compensation has been paid or secured as directed. R.S.O. 1924, c. 32, s. 104 (2-4).

98. The judge or the recorder may reduce the area of any mining claim staked out where the surface rights have been granted. Reduction in area of claim where surface rights have been sold.

granted, sold, leased or located, if in his opinion an area less than the prescribed area is sufficient for working the mines and minerals therein. R.S.O. 1914, c. 32, s. 105.

ISSUE OF PATENT FOR MINING CLAIM.

Right to
patent or
claim.

99.—(1) Upon compliance with the requirements of this Act and upon payment of the purchase price as provided in section 100, or rental fixed by regulation made by the Lieutenant-Governor in Council, the holder of a mining claim shall be entitled to a patent or lease, as the case may be, for the claim. R.S.O. 1914, c. 32, s. 106 (1); 1915, c. 13, s. 5.

Application
for patent.

(2) The application for a patent or lease shall be made to the recorder within one year from the date before which all work on a mining claim is required to be performed. 1921, c. 16, s. 13.

Price
to be paid
for patent.

100.—(1) The price per acre of Crown lands patented as mining claims shall be \$3 in surveyed territory and \$2.50 in unsurveyed territory, and the price per acre for mining rights so patented shall be one-half the price payable for Crown lands, except that where the recorded holder of a mining claim or of an interest in a mining claim, being a licensee, has after acquiring such claim or interest, enlisted or enrolled for active service at home or abroad against the King's enemies, payment of the purchase money or first year's rental as the case may be, shall not be required so far as the interest of such holder is concerned, but this exception shall not apply to more than three mining claims for any one recorded holder. R.S.O. 1914, c. 32, s. 107; 1920, c. 13, s. 7.

Price
to be paid
where area
exceeds pre-
scribed area.

(2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 55 and 56 and such claim is not reduced in size under the provisions of section 110, the price per acre of such area in excess of the area so prescribed shall be twice the price provided for in subsection 1. *New.*

When
right to free
patent.

101. A licensee who is the first discoverer of valuable mineral in place upon land not in a Crown Forest Reserve at a point not less than five miles from the nearest known mine, vein, lode or deposit of the same kind of mineral and who has staked out a mining claim thereon and has complied with the requirements of this Act shall be entitled to a patent without payment of the price fixed by the next preceding section. R.S.O. 1914, c. 32, s. 108.

102. In all patents for mining claims within the Districts of Algoma, Kenora, Thunder Bay, Rainy River, Manitoulin, Sudbury and Temiskaming, and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan, excepting where road allowances have already been provided in a survey made or authorized by the Crown, there shall be a reservation for roads of five per centum of the quantity of land granted and the Crown or its officers may lay out roads on such mining claims where deemed proper. R.S.O. 1914, c. 32, s. 109; 1919, c. 12, s. 7.

103. Every patent for Crown lands or mining rights by which it is intended to vest in the patentee the mines and minerals therein or any part thereof or any rights in connection therewith, shall state that it is issued in pursuance of this Act, or of the former Act under which it is issued. R.S.O. 1914, c. 32, s. 110.

104. Every patent of Crown lands which purports to be issued in pursuance of this Act shall unless otherwise expressly stated vest in the patentee for the estate thereby granted all title of the Crown in such land and all mines and minerals therein. R.S.O. 1914, c. 32, s. 111.

105.—(1) All lands, claims or mining rights leased, patented or otherwise disposed of under this Act on or after the 12th day of April, 1917, shall be subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined within the Dominion of Canada, so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the lease, patent or other form of title of such lands, claims or mining rights shall be null and void, and the said lands, claims or mining rights shall revert to and become vested in his Majesty, his heirs and successors freed and discharged of any interest or claim of any other person or persons whomsoever. 1917, c. 11, s. 1, *part.* 1921, c. 16, s. 14.

(2) The Lieutenant-Governor in Council is hereby authorized to exempt any lands, claims or mining rights from the operation of this section for such period of time as to him may seem proper. 1917, c. 11, s. 1. *Part.*

(3) This section shall not apply to iron ore, nor to the lands, claims or mining rights from which the same is mined or taken. 1924, c. 19, s. 6. *Amended.*

106.—(1) Every patent of Crown lands sold or granted as mining lands shall contain a reservation of all pine trees and such pine trees shall continue to be the property of the Crown,

Reservation
for roads in
patents.

and

Reservation
of pine
timber,—
rights of
timber
licensees.

and any person holding a license from the Crown to cut timber on such land may at all times during the continuance of the license enter upon the land and cut and remove such trees, and may make all necessary roads for that purpose; provided that the patentee may cut and use such trees as may be necessary for the purpose of building, fencing and fuel on the land so patented, or for any other purpose necessary for the working of the mines therein, and may also cut and dispose of all trees required to be removed in clearing such part of the land as may be necessary for mining purposes, but subject as regards pine trees to the payment of the value thereof to the Crown or to the timber licensee or other person authorized to cut such pine trees, as the case may be; provided, however, that where such land heretofore or hereafter granted is not under timber license or in a Forest Reserve, the owner thereof may without payment of Crown dues cut thereon and use for mining purposes thereon or on any adjoining lands owned by him any trees of the variety *Pinus Banksiana*, commonly known as "jackpine"; provided further that in any mining claim staked out and recorded on or after the 26th day of March, 1918, all trees or timber of whatever kind growing or being thereon shall be reserved to the Crown, but where such trees or timber are not covered by a timber license or permit to cut the same, the holder or owner of the claim may, on application, be granted permission to cut and use such trees or timber as he may require for mining and fuel purposes, either without payment or on such terms and conditions as the Minister of Lands and Forests may impose. R.S.O. 1914, c. 32, s. 112 (1); 1918, c. 9, s. 8; 1921, c. 16, s. 15.

Cutting
jackpine on
patented
mining
lands.

Reservation
of timber.

Deter-
mination of
disputes.

(2) Any dispute between the patentee or those claiming under him and the timber licensee or other person interested with regard to the quantity or value of the pine timber so cut or disposed of or otherwise regarding the trees cut shall be determined by the Minister of Lands and Forests, whose decision shall be final. R.S.O. 1914, c. 32, s. 112 (2); 1920, c. 13, s. 3 (6).

Patentee of
mining
rights not to
cut timber.

(3) This section shall not confer upon the patentee of mining rights only any right to cut timber upon the land described in the patent. R.S.O. 1914, c. 32, s. 112 (3).

SURVEY OF CLAIM BEFORE ISSUE OF PATENT

Survey
of claim in
unsurveyed
territory
before patent
issued.

107.—(1) Before a patent of a mining claim in unsurveyed territory is issued the claim shall be surveyed by an Ontario land surveyor at the expense of the applicant who shall furnish to the recorder with his application the surveyor's plan in duplicate, field notes and description showing a survey in conformity with this Act and to the satisfaction of the Minister. R.S.O. 1914, c. 32, s. 113 (1).

(2) In surveying a mining claim in unsurveyed territory ^{Mode of survey.} the surveyor shall run the boundaries of the claim by running straight lines from No. 1 post at the northeast angle of the claim to No. 2 post at the southeast angle thereof, from No. 2 post to No. 3 post at the southwest angle thereof, and from No. 3 post to No. 4 post at the northwest angle thereof, and from No. 4 post to No. 1 post; provided that where two mining claims are shown as having a common boundary in whole or in part, the boundary of the prior subsisting claim shall ^{Survey of claim in unsurveyed territory.} govern. R.S.O. 1914, c. 32, s. 113 (2); 1919, c. 12, s. 8.

(3) The surveyor shall mark out the side lines on the ^{Marking boundaries.} ground by blazing the adjacent trees distinctly on three sides, one blaze on each side in the direction of the line and one on that side by which it passes.

(4) He shall plant at each angle of the claim a metal post ^{Surveyors' posts on claims.} not less than three-quarters of an inch square or in diameter, with the recorded number and letter or letters, if any, of the claim permanently marked thereon, and at or near each iron post shall also plant a large wooden guide post marked with such number and letter or letters.

(5) He shall in his discretion connect such survey with ^{Connection of survey with other points.} some known point in a previous survey or with some other known point or boundary so that the claim may be laid down on the office maps in the Department.

(6) No such survey, except as herein provided, shall be ^{Duty of surveyor.} made within a distance of fifteen miles in a straight line from the recorder's office without the written consent or direction of the recorder or of the judge or of the Minister or Deputy Minister, and it shall be the duty of the surveyor before proceeding with the survey to examine the application and sketch or plan of the claim or certified copies thereof and before completing or filing his survey to ascertain by careful examination of the ground and by all other reasonable means in his power whether or not any other subsisting claim conflicts with the claim he is surveying, and no survey shall be accepted unless accompanied by the certificate signed by the surveyor in the following form:

I hereby certify that I have carefully examined the ground included in ^{Form of certificate.} mining claim No., surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim except as follows: (*if none so state, if any give particulars.*)

(7) A surveyor who surveys a claim without the written ^{Penalty for misconduct of surveyor.} consent or direction mentioned in subsection 6 shall be guilty of an offence against this Act and shall incur a penalty not exceeding \$50.

Proviso.

Provided that where a claim is fifteen miles or more in a straight line from the recorder's office, and the consent or direction mentioned in subsection 6 has not been refused, the surveyor may nevertheless survey the claim, but before signing the certificate mentioned in subsection 6 he shall in all other ways proceed as set out in that subsection, and shall, along with his survey, file with the recorder a sworn statement setting forth the circumstances under which the survey was made without the consent or direction aforesaid. R.S.O. 1914, c. 32, s. 113 (3-7).

Minister may direct survey of claim in surveyed territory.

108. Where upon an application for a patent of a mining claim in surveyed territory the Minister is of opinion that a survey is necessary he may direct that a survey thereof shall be made at the expense of the applicant, and such survey unless otherwise ordered shall comply with the same requirements as a survey of a mining claim in unsurveyed territory. R.S.O. 1914, c. 32, s. 114.

Surveyor to forward certified copy of plan to Minister.

109. The surveyor immediately after the completion of every survey of a mining claim made by him shall deliver or forward by registered post to the Minister by his official title a certified copy of the plan and of his field notes and a description of the claim. R.S.O. 1914, c. 32, s. 115.

Reduction of area of claim found to exceed prescribed acreage.

110.—(1) If it is found upon a survey required or authorized by this Act that the area of a mining claim exceeds the prescribed acreage the Minister may reduce the area to the prescribed acreage or thereabouts. R.S.O. 1914, c. 32, s. 116 (1); 1919, c. 12, s. 9.

Manner in which reduction to be made.

(2) The reduction in unsurveyed territory may, where practicable, be made as follows:— Keeping No. 1 post as the northeast corner and taking the straight line joining No. 1 and No. 2 posts, or if that line exceeds 20 chains in length the northerly 20 chains of it, as the eastern boundary; keeping the southern and western boundaries respectively parallel to or coinciding with the straight lines adjoining No. 2 and No. 3 and No. 4 posts, but shortening each of these boundaries to 20 chains where it exceeds that length, and in the case of a mining claim in a special mining division shortening the southern boundary to 10 chains where it exceeds 10 chains; and in each case connecting the northwest corner so established with No. 1 post for the northern boundary or in such other way as the Minister upon report of the Director of Surveys shall direct. R.S.O. 1914, c. 32, s. 116 (2); 1919, c. 12, s. 10.

Disposition of land between mining claims.

(3) Where a survey shows a small fraction or gore of land to exist between mining claims, the Minister may lease, if in a forest reserve, or sell, if situate elsewhere, such fraction or

gore

gore to the holder of one or other of the said claims, or may divide the same between them, or may otherwise dispose of the same as he may see fit without requiring such gore or fraction to be staked out as a mining claim. *New.*

PART III.—PLACER MINING.

111. A licensee, who makes a discovery of a natural stratum, bed or deposit of sand, earth, clay, gravel or cement carrying gold, or platinum, or precious stones, which is probably of such size and character as to be likely to be workable at a profit may stake out and record a mining claim to be called a "Placer Mining Claim," thereon, and the provisions of this Act, as to the staking out and recording of a mining claim upon the discovery of valuable mineral in place thereon, shall as far as practicable apply to the staking out of a placer mining claim as if the words "a natural stratum bed or deposit of sand, earth, clay, gravel, or cement, carrying gold or platinum, or precious stones, which is probably of such a size and character as to be likely to be workable at a profit," were used instead of "valuable mineral in place," and the other provisions of this Act as to mining claims shall also, as far as practicable, apply to a "Placer Mining Claim," and "mining claim" wherever used in this Act shall, unless repugnant to the context, be read as including placer mining claim. R.S.O. 1914, c. 32, s. 117.

PART IV.—PETROLEUM, GAS, COAL, AND SALT.

112.—(1) A licensee may obtain from the Minister a boring permit in the prescribed form, granting him the exclusive right for a period of one year to prospect for petroleum, natural gas, coal, or salt upon an area of land open for prospecting and staking out in those portions of the Province lying north and west of the River Mattawan, Lake Nipissing, and the French River, by

- (a) staking out, or having another licensee stake out on his behalf and in his name, such area by planting or erecting a post at each corner thereof in the manner and with the numbering provided by section 59, and writing or placing upon each post the words "Boring permit applied for," with his name and the letter and number of his license, and where the staking out is done by another licensee also the name of such licensee and the letter and number of his license; the date of the staking out and a statement of the area to be included in the application;

(b)

*Application
to recorder.*

(b) furnishing to the recorder an application in duplicate, verified by an affidavit, in the prescribed form, within fifteen days after the staking out;

*Application
to Minister.*

(c) forwarding to the Minister not more than ninety days thereafter a plan or diagram showing as nearly as possible the situation of the lands, and a written description of the same, including, if the area is in surveyed territory, the number of the lots and concessions or sections or quarter-sections or other subdivisions, together with a fee of \$100; and

*Compensa-
tion to
owner of
surface
rights.*

(d) proving to the satisfaction of the Minister that he has paid or secured to the owner of the surface rights, if any, the compensation agreed upon or determined as provided in section 97 for any injury or damage which is or may be caused to the surface rights, or, in default of agreement, that he has paid or secured such compensation, as determined in the manner provided by the said section 97. R.S.O. 1914, c. 32, s. 119 (1); 1914, c. 2. Sched. (12).

*Posting
applications.*

(2) One duplicate of the application shall be forthwith posted up by the recorder in his office and the other forwarded by him to the Minister.

*Additional
time allowed
on account
of distance.*

(3) If the area staked out is more than ten miles from the office of the recorder, one additional day for every additional ten miles or fraction thereof shall be allowed for furnishing the application to the recorder.

*Form of
area to be
included in
permit.*

(4) The area of land included in a boring permit, if in un-surveyed territory, shall be rectangular in form and shall not exceed six hundred and forty acres in extent, the boundary lines thereof being due north and south and due east and west astronomically, and if in surveyed territory need not be rectangular in form, but may consist of any number of contiguous lots, quarter-sections or subdivisions of a section not containing in all more than six hundred and forty acres.

*Working
conditions.*

(5) The holder of a boring permit shall enter upon the area described therein within two months from the granting of the permit, and during the term of the permit shall expend thereon in actual boring, sinking, driving or otherwise searching for petroleum, natural gas, coal, or salt a sum amounting to not less than two dollars per acre.

*Renewal
of permit.*

(6) Upon proof being furnished to the Minister that such expenditure has been made and that all other terms and conditions of the permit have been complied with, the Minister,

at the expiration of the boring permit, may grant one renewal of the same for one year upon payment of a fee of \$100, and the renewal shall be subject to the like conditions as to expenditure and otherwise as the original permit.

(7) The holder of a boring permit may, with the consent ^{Transfer of permit.} of the Minister, endorsed thereon, transfer, in the prescribed form, all his rights in the permit or the land included therein, and upon the consent being given the licensee to whom the permit is transferred shall thereupon be entitled to the unexpired term of the permit, with any right of renewal thereof. R.S.O. 1914, c. 32, s. 119 (2-7).

113.—(1) Upon the holder of a boring permit proving to ^{Lease may issue on discovery.} the satisfaction of the Minister that he has discovered petroleum, natural gas, coal or salt, or any one or more of such substances in commercial quantities upon the land included therein, the Minister may direct the issue to the holder of the permit of a lease of the land or any portion of it for a term of ten years at an annual rental of \$1 per acre, payable in advance and subject to the expenditure of not less than \$2 per acre per annum, in obtaining petroleum, natural gas, coal or salt, or any one or more of such substances therefrom, or in actual *bona fide* operations or works undertaken or made for the purpose of obtaining the same. The lessee shall have the right of renewal of such lease at the expiration of the first term of ten years for a further term of ten years at the same rental, and at the expiration of the second term for a term of twenty years at such renewal rental as may then be agreed upon or provided by statute or regulations. ^{Renewal.}

(2) Every such lease shall contain such other conditions, ^{Regulations as to leases.} stipulations and provisoies as the Lieutenant-Governor in Council may prescribe, and shall be forfeited and void if the rental payable thereunder is not paid when due, or upon failure to expend the money required by subsection 1 to be laid out or upon failure to comply with any of the terms and conditions of the lease. Provided that relief from forfeiture ^{Proviso.} for failure to pay rent when due may be had by the payment of all arrears within ninety days after the same became payable.

(3) The right conferred by any such lease upon the lessee ^{Rights of lessee.} shall be to enter upon the land described, and to dig, bore, sink, drive or otherwise search for and obtain, raise and remove petroleum, natural gas, coal and salt, or any one or more of such substances. All other valuable minerals shall be reserved to the Crown, and any holder of a miner's license may at all times go upon the said land and prospect the same and stake out a mining claim thereon, but subject to compensating the ^{Other mineral to be reserved.} lessee

lessee for any injury or damage to his interest in the land at the time and in the manner provided in section 97, and may obtain a patent therefor, but such patent shall reserve the petroleum, natural gas, coal and salt, in, on or under such land.

Survey required in unsurveyed territory.

(4) No such lease shall issue for land in unsurveyed territory until a plan in triplicate made by an Ontario land surveyor, field notes and description, shall be filed in the Department, showing a survey in conformity with this Act, and to the satisfaction of the Minister. R.S.O. 1914, c. 32, s. 120 (1-4).

Timber to be reserved.

(5) The holder of a boring permit or of a lease for petroleum, natural gas, coal or salt, shall not be entitled to the timber upon the land included in such permit or lease but if the same are not covered by timber license and have not been located, sold or patented under *The Public Lands Act*, may, with the permission of the Minister of Lands and Forests, and upon payment of such rates as may be fixed, cut and use such timber or trees as may be necessary for boring and working the said land. R.S.O. 1914, c. 32, s. 120 (5); 1920, c. 13, s. 3 (7).

Boring north of Trans-continental Railway.

114. Notwithstanding anything contained in sections 112 and 113, the Minister, with the approval of the Lieutenant-Governor in Council, may make such regulations as he shall think fit respecting the issue of boring permits authorizing the holders thereof to prospect for petroleum, natural gas, coal or salt, in that part of the province lying north of the Trans-continental Railway, and for the issue of leases upon such terms as the Minister may see fit. 1919, c. 12, s. 11.

PART V.—DREDGING LEASES.

Regulations as to dredging leases.

115.—(1) The Lieutenant-Governor in Council may make regulations respecting the issue of leases authorizing the holders thereof to dredge in any river, stream or lake, in, on or flowing through Crown lands, or the bed of which belongs to the Crown, for the purpose of recovering any valuable mineral therefrom, and every Order in Council made under this section shall take effect from the date of the first publication thereof in the *Ontario Gazette*.

Provisions to be included in dredging leases.

(2) Every such lease shall provide for the payment in advance of an annual rental of not less than \$20 per mile in length of any such river, stream or lake, and shall not be for a greater term than ten years, renewable at the expiration thereof for a further term of not more than ten years, and shall contain such provisions as may be required by the Lieutenant-

Governor in Council for protecting all other public interests in such river, stream or lake, including the driving of logs and timber, and navigation. R.S.O. 1914, c. 32, s. 121.

PART VI.—MINING PARTNERSHIPS.

116.—(1) Two or more persons, each being at least eighteen years of age, or one or more of such persons and a company may form a partnership herein called a “Mining Partnership” for the purpose of prospecting for minerals and acquiring mining claims or any other right or interest under the provisions of this Act, and the performance of working conditions and doing work on a mining claim or any other act or thing which may be lawfully done before the issue of a patent for the claim, by signing personally or by attorney duly authorized in writing annexed thereto a certificate in the prescribed form setting forth,

- (a) the name, address and occupation of each of the partners;
- (b) the partnership name;
- (c) the total number of shares in the partnership;
- (d) the number of shares owned by each partner;
- (e) the date of the commencement of the partnership and the date on which it is to terminate; and
- (f) the name, address and occupation of some persons residing in Ontario or of a company having its head office in Ontario authorized, and, in writing annexed to or forming part of the certificate, consenting to act as agent of the partnership.

(2) A mining partnership may be recorded by filing with any recorder a certificate in accordance with subsection 1 or a copy thereof certified by a recorder to be a true copy of a certificate recorded in his office and on payment of the prescribed fee.

(3) After being recorded a mining partnership shall be entitled to a miner's license.

(4) A contract entered into in writing on behalf of a mining partnership by the recorded agent thereof shall be binding upon the partnership.

**Revocation
of authority
of agent.**

(5) The member or members of a mining partnership owning a majority of the shares may revoke the appointment of the agent, in the prescribed form, but the revocation shall not take effect until a certificate, in the prescribed form, signed by such member or members substituting another qualified agent who, in writing annexed to or forming part of such certificate, consents to act as agent for the partnership has been filed in all the offices in which the partnership is recorded.

**Death
of recorded
agent.**

(6) If the recorded agent of a mining partnership dies, the member or members owning a majority of the shares may, by signing a certificate, in the prescribed form, appoint another qualified agent who, in writing annexed to, or forming part of the certificate, consents to act as agent for the partnership, but such appointment shall not take effect until recorded in all the offices in which the partnership is recorded.

**Transfer
of share in
mining
partnership.**

(7) A share in a mining partnership shall be deemed to be personal estate and may be transferred to any person, mining partnership or company authorized to hold shares in a mining partnership by the owner thereof or by his executor, or administrator or by the assignee for the benefit of the creditors of the owner or by a sheriff or bailiff in due course of law by signing and filing with the recorder a transfer thereof, in the prescribed form.

**Filing
transfer of
share,
effect of.**

(8) A person to whom a share is transferred or to whom it passes by operation of law or otherwise, upon filing in every office in which the partnership is recorded the instrument of transfer or will or letters of administration or other instrument under which the share passes or a certified or sworn copy thereof, shall become a member of the partnership.

**Dissolution
of partner-
ship.**

(9) A mining partnership may be dissolved before the expiration of the time fixed by the certificate of partnership by filing in all the offices in which the partnership is recorded a certificate of dissolution, in the prescribed form, signed by all the members or their attorneys duly authorized in writing annexed to the certificate, but a mining partnership shall not be dissolved by the death of any member.

**Not to be
dissolved
by death**

**Dissolution
not to revoke
authority
of agent.**

(10) Unless the certificate of dissolution otherwise provides the dissolution of a mining partnership shall not constitute a revocation of the authority of the recorded agent of the partnership, but thereafter the agent instead of being the agent of the partnership shall be the agent of the individual members or their legal representatives, as the case may be, and may bind the interest of the individual partners or their legal representatives in selling, mortgaging or otherwise

dealing with and transferring in the partnership name, the property of the partnership until the affairs of the partnership are finally wound up.

(11) Nothing in this section shall relieve a recorded agent ~~Agent not relieved from liability for wilfully disobeying the instructions given to him by the owners of a majority of the shares.~~ R.S.O. 1914, c. 32, s. 122.

PART VII.—PROCEEDINGS IN MINING COURT.

117.—(1) There shall continue to be a court to be known ^{Court to continue.} as the “Mining Court of Ontario.”

(2) The court shall be a court of record and shall have ^{Court of record—} a seal with which all process shall be sealed or stamped. 1924, c. 21, s. 2. *Amended.*

118.—(1) The court shall be presided over by a judge ^{Judge.} to be appointed as provided by *The British North America Act, 1867*, who shall be known as the “Judge of the Mining Court.”

(2) The judge of the Mining Court shall hold office during ^{Tenure of office.} good behaviour until he attains the age of seventy-five years and shall not be removed from office except upon an address of the Assembly to the Lieutenant-Governor. 1924, c. 21, s. 3.

119. There shall be a registrar of the Court who shall be ^{Registrar.} appointed by the Lieutenant-Governor in Council. 1924, c. 21, s. 4. *Amended.*

120.—(1) Except as provided by section 183, no action ^{Jurisdiction.} concerning mining lands shall lie nor shall any other proceeding be taken in any other court as to any matter or thing arising under this Act whether before or after issue of the patent or involving the interpretation of the provisions thereof, or as to rights acquired or alleged to have been acquired thereunder, or as to any matter or thing involving any right or claim under this Act, and every such matter and every claim, question and dispute arising as aforesaid shall be brought and determined in the court, and in the exercise of the powers conferred by this section the judge may make such order and give such directions as he may deem necessary to make effectual and enforce compliance with his decision.

(2) The judge shall have and may exercise in the Mining ^{Lowers of Judge.} Court the same powers as a judge of a superior court sitting in a civil case. 1924, c. 21, s. 5 (1, 2). *Amended.*

Style of proceedings.

(3) Every notice, and every document in any matter, application or appeal coming before the judge of the Mining Court shall be styled "in the Mining Court of Ontario." 1924, c. 21, s. 5 (5).

Witnesses and enforcing attendance.

121. A subpoena may issue out of the Mining Court or out of the Supreme Court or county or district court for the purpose of compelling the attendance of witnesses and the production of documents and things in any proceeding before the Mining Court, or before the judge of the Mining Court, and the judge shall also have, with respect to matters which may be dealt with by him under the provisions of this Act, all the powers of summoning and enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things which the judge of a superior court or of a county or district court has in civil cases. 1924, c. 21, s. 6. Amended.

Exclusion of questions involving validity of patents.

122. The Mining Court shall not have power or authority to declare forfeited and void or to cancel or annul any Crown patent issued for lands, mining lands, mining claims or mining rights, but every action or other proceeding to declare forfeited or void or to cancel or annul any such Crown patent may be brought or taken in the Supreme Court and shall be heard and determined in the same manner as if *The Mining Court Act, 1924*, had not been passed. 1924, c. 21, s. 7. Amended.

Transfer of proceedings to Supreme Court.

123. A party to any proceeding under this Act brought in the Mining Court and involving any right, privilege or interest in, or in connection with any patented lands, mining lands, mining claims or mining rights, may at any stage of such proceeding apply to the Supreme Court for an order transferring the proceeding to the Supreme Court. 1924, c. 21, s. 8. Amended.

Illness or absence of Judge.

124. In case of the illness or absence of the Judge of the Mining Court the Minister or Judge may appoint some other person, being a barrister of at least ten years standing at the bar of Ontario, to act in place of the Judge and the person so appointed shall in that case have and exercise all the powers of the Judge except those which he derives exclusively from his appointment under any commission issued to him by the Governor-General of Canada. New.

Referring actions, etc., to Judge.

125. Where in the opinion of the Court in which an action is brought, the proceedings may be more conveniently dealt with or disposed of by the Mining Court, the Court may, upon the application of any party or otherwise, and at any stage of the proceedings, refer the action or any question

therein to the Judge of the Mining Court as an official referee, on such terms as to the Court may seem just, and the Judge of the Mining Court shall thereafter give directions for the continuance of the proceedings before him, and, subject to the order of reference, all costs shall be in his discretion. R.S.O. 1914, c. 32, s. 128.

126. Where a proceeding is brought in any court which should have been taken before the Mining Court, the Court or Judge may upon the application of any party or otherwise, and at any stage of the proceeding transfer it to the Mining Court, except as provided by this Act. R.S.O. 1914, c. 32, s. 129.

127. The Lieutenant-Governor in Council may make Rules, rules:

- (a) prescribing the practice and procedure in the Court;
- (b) respecting the officers of the Court;
- (c) respecting the sittings of the Court and the places at which such sittings shall be held; and
- (d) generally for the better carrying out of the provisions of this Act. 1924, c. 21, s. 9.

128. The Judge shall also have all the powers which by *The Public Lands Act* are conferred on commissioners appointed under the authority of that Act. R.S.O. 1914, c. 32, s. 127.

POWERS OF RECORDER.

129.—(1) Subject to appeal as hereinafter provided, a recorder, as to unpatented mining claims situate in a mining division, shall have power to hear and determine disputes arising between licensees. *New.*

(2) Any question arising prior to the issue of a certificate of record of a mining claim as to whether the provisions of this Act regarding a mining claim, have been complied with, unless the Judge otherwise orders or unless the recorder with the consent of the Judge transfers such question to the Judge for his decision, shall in the first instance be decided by the recorder. R.S.O. 1914, c. 32, s. 130 (2). *Amended.*

(3) The recorder shall forthwith enter in the books of his office a full note of every decision made by him, and shall notify the persons affected thereby of such decision by registered letter mailed not later than the next day after the entry of such note.

Certificate of decision.

(4) Every person affected by the decision shall be entitled upon payment of the prescribed fee to receive from the recorder a certificate thereof which shall contain the date of the entry of such decision in the books of the recorder.

Finality of decision.

(5) The decision of the recorder shall be final and binding unless appealed from as in this Act provided. R.S.O. 1914, c. 32, s. 130 (3-5).

Recorder may direct proceedings before him.

130.—(1) The recorder may give directions for the conduct and carrying on of the proceedings before him, and in so doing he shall adopt the cheapest and most simple methods and machinery for determining the questions raised before him.

Where no direction.

(2) Where no such directions are given, the provisions relating to procedure before the Judge as far as the same may be applicable, shall apply.

Costs.

(3) The recorder shall not have power to award costs, but may in his discretion allow the fees and conduct money of witnesses and may direct by whom the same shall be paid. R.S.O. 1914, c. 32, s. 131.

ENFORCEMENT OF ORDERS.

Making order of Mining Court or recorder a judgment of the court.

131. A duplicate of any order made by the Mining Court or by a recorder may be filed in the office of the clerk of records and writs or in the office of any local registrar or deputy clerk of the Crown of the Supreme Court, or in the office of the clerk of the county or district court of the county or district in which the land lies, and upon being so filed shall become an order of the court in which it is filed and shall be enforceable as an order of such court, but the court or a judge thereof may stay proceedings thereon if an appeal is brought from the order. R.S.O. 1914, c. 32, s. 132.

APPEALS FROM RECORDER.

Right to appeal from recorder to judge.

132.—(1) A person affected by the decision of, or by any act or thing, whether ministerial or judicial, done, or refused or neglected to be done by the recorder, may appeal to the judge who shall decide the matter and make such order in the premises as he may deem just.

Admission of further evidence on appeal.

(2) Upon an appeal from the decision of the recorder the Court may require or admit new or additional evidence or may re-try the matter. R.S.O. 1914, c. 32, s. 133 (1, 2).

(3) The appeal shall be by notice in writing in the prescribed form, filed in the office of the recorder, and served upon all parties adversely interested within fifteen days from the entry of the decision on the books of the recorder, or within such further period not exceeding fifteen days, as the Court may allow; Provided that if notice of appeal has been filed with the recorder within the said time, and the Court is satisfied that it is a proper case for appeal and that after reasonable effort any of the parties entitled to notice could not be served within such time, the Court may extend the time for appealing and make such order for substitutional or other service as may be deemed just; Provided also that where a person affected has not been notified as provided in sections 95 and 129, and appears to have suffered substantial injustice and has not been guilty of undue delay, the Court may allow such person to appeal. R.S.O. 1914, c. 32, s. 133 (3); 1914, c. 2, sched. (13).

(4) The notice of appeal shall contain or have endorsed upon it an address for service at some place not more than five miles distant from the recorder's office, and any notice or document relating to the appeal shall be sufficiently served upon the appellant if left with a grown-up person at such place, or if no such person can there be found then if mailed by registered post addressed to the appellant at the post office at or nearest to such place.

(5) If no address for service is given as provided in the next preceding subsection, any such notice or document may be served upon the appellant by posting up the same in the recorder's office. R.S.O. 1914, c. 32, s. 133 (4, 5).

APPEAL TO MINISTER.

133.—(1) An appeal shall lie from any decision of the Court in respect to any ministerial duty of the recorder to the Minister only, and the decision of the Minister shall be final and shall not be subject to appeal.

(2) The appeal to the Minister shall be by notice in writing filed with the Department and served upon every adverse party within fifteen days after the date of the decision of the Court, or within such further time as may be allowed by the Minister. R.S.O. 1914, c. 32, s. 134.

PROCEDURE BEFORE JUDGE.

134.—(1) An appointment shall be obtained from the Judge for the hearing of an appeal or of a dispute mentioned in section 66 or of any claim, question or dispute cognizable by the Court.

Material.

(2) In any matter or proceeding other than an appeal the Court may, if a certificate of record has been issued, require that the applicant shall satisfy him that there is reasonable ground for the application or may in any such case, or in any case where leave to take the proceeding is necessary, give the appointment or leave only upon such terms as to security for costs or otherwise as may seem just.

Application for appointment.

(3) The appointment may be obtained upon a verbal or written application.

Service of appointment.

(4) A copy of the appointment shall be served upon all parties concerned, and except in the case of an appeal or dispute under section 66, a notice, in the prescribed form, stating shortly the nature and particulars of the right, question or dispute, shall also be served. R.S.O. 1914, c. 32, s. 136.

Judge to give all necessary directions.

135.—(1) The Judge may give directions for having any matter or proceeding heard and decided without unnecessary formality, may order the filing, serving of statements, particulars, objections or answers, the production of documents and things, and the making of amendments, may give such other directions for the procedure and hearing as he may deem proper, and may make any appointment, notice or other proceeding returnable forthwith or at such time as he may deem proper, and may order or allow such substituted or other service as in the circumstances may seem proper.

Place of hearing.

(2) In appointing the place of hearing, the Judge shall select the place that he may deem most convenient for the parties within the county or district or one of the counties or districts in which the lands or mining rights affected are situate, unless it appears to him desirable that the hearing should be in some other county or district.

Hearing to be proceeded with promptly.

(3) The hearing shall be proceeded with as promptly as possible, having regard to the interests of the parties concerned.

Taking evidence.

(4) The Judge may take or order the evidence of any witness to be taken at any place within or without Ontario.

Interlocutory applications.

(5) The Judge may hear and dispose of any application not involving the final determination of the matter or proceeding at any place he may deem convenient, and his decision upon any such application shall be final and shall not be subject to appeal. R.S.O. 1914, c. 32, s. 137.

Judge may obtain expert assistance.

136. The Judge may obtain the assistance of engineers surveyors, or other scientific persons, who may under his

order view and examine the property in question, and in giving his decision he may give such weight to their opinion or report as he may deem proper. R.S.O. 1914, c. 32, s. 138.

137 —(1) The Judge, in addition to hearing the evidence adduced by the parties, may require and receive such other evidence as he may deem proper, and may view and examine the property in question and give his decision upon such evidence or view and examination, or may appoint a person to make an inspection of the property, and may receive as evidence and act upon the report of the person so appointed. Judge may call for evidence, or proceed on view.

(2) Where the Judge proceeds partly on a view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to enable a judgment to be formed of the weight which should be given thereto. Statement of view or of special knowledge.

(3) When the parties consent in writing, the Judge may proceed wholly upon a view, and in such case his decision shall be final and shall not be subject to appeal. R.S.O. 1914, c. 32, s. 139. Judge proceeding wholly on view.

138. The Judge shall give his decision upon the real merits and substantial justice of the case. R.S.O. 1914, c. 32, s. 140. Judge's decision to be upon the merits.

139. Where the Judge deems the matter or proceeding vexatious, or where it is brought by a person residing out of Ontario, he may order that such security for costs as he may deem proper be given, and that in default of such security being given within the time limited or in default of speedy prosecution the matter or proceeding be dismissed. R.S.O. 1914, c. 32, s. 141. Security for costs.

140. Where the hearing is to take place at a place where a court house is situate, the Judge shall have the right to use room. Right to use court room, and where the hearing is to take place in a municipality in which there is a hall belonging to the municipality, but no court room, he shall have the right to use such hall. R.S.O. 1914, c. 32, s. 142. Right to use town hall.

141. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Judge in the exercise of the powers conferred on him by this Act, whenever required so to do, and shall upon the certificate of the Judge be paid by the treasurer of the county or district the same fees as for similar services in carrying out the orders of a Judge of the Supreme Court. R.S.O. 1914, c. 32, s. 143. Sheriff's etc., to assist Judge.

When
notes need
not be ex-
tended.

142. The evidence taken before the Judge need not be filed, or written out at length by the shorthand writer unless required by the Judge or by a party to the proceedings, and copies shall be furnished upon the same terms as in cases in the Supreme Court. R.S.O. 1914, c. 32, s. 144.

COSTS AND WITNESS FEES.

Costs.

143. The Judge may in his discretion award costs to any party, and may direct that such costs be taxed by the clerk of the county or district court or by a local taxing officer or by one of the taxing officers at Toronto, or may order that a lump sum be paid in lieu of taxed costs. R.S.O. 1914, c. 32, s. 145.

Scale
of costs.

144.—(1) The costs and disbursements payable upon proceedings before the Judge, as to any matter in which the amount or value of the property in question does not in the opinion of the Judge exceed \$400, shall be according to the tariff of the county court, and as to any matter in which the amount or value of the property in question in his opinion exceeds \$400, shall be according to the tariff of the Supreme Court.

Judge to
decide as to
scale.

(2) The Judge shall in his order or award direct according to which tariff the costs and disbursements shall be taxed.

Counsel fees.

(3) The Judge shall have the same powers as a judge of a county court or a taxing officer of the Supreme Court with respect to counsel fees. R.S.O. 1914, c. 32, s. 146.

Witness
fees and
conduct
money.

145. The fees and conduct money to be paid to a witness before the Judge or recorder shall be according to the county court scale. R.S.O. 1914, c. 32, s. 147.

DECISIONS.

Decision
to be in form
of order or
award.

146.—(1) Except where inapplicable, the decision of the Mining Court shall be in the form of an order or judgment, but need not show upon its face that any proceeding or notice was had or given, or that any circumstance existed necessary to give jurisdiction to make such order or judgment.

Filing
order or
award.

(2) The order or judgment of the court, with the evidence, exhibits, the statement, if any, of view or of special knowledge or skill and the reasons for his decision if any are given, shall be filed in the Department, or in the office of the recorder, as may be directed by the Judge, and the officer or person in charge of such office shall forthwith give notice in writing of the filing by registered post or otherwise to the solicitors

of the parties appearing by solicitor and to the parties not represented by a solicitor.

(3) Where the order or judgment is not filed with the recorder of the division in which the property affected is situate Duplicate to be transmitted to recorder. R.S.O. 1914, c. 32, s. 148.

147.—(1) The Judge shall make in the books of his office a full note of every decision given by him. ^{Entry of note of decision.}

(2) Where a decision of the Judge finally disposes of the matter in question so far as he is concerned he shall give notice of the purport of such decision to the parties to the proceeding by registered letter addressed to them at their addresses as entered in his books. R.S.O. 1914, c. 32, s. 149.

148. Any party to a proceeding shall be entitled on payment of the prescribed fee to a certified copy of any order or judgment, and the copy shall show the date of the entry of the order or judgment in the books of the Judge. R.S.O. 1914, c. 32, s. 150.

APPEALS FROM JUDGE.

149. Where not herein otherwise provided, an appeal shall lie to the Appellate Division from every decision of the Mining Court, including an order dismissing a matter or proceeding under the provisions of section 139. R.S.O. 1914, c. 32, s. 151.

150.—(1) Except in the case provided for by section 125 and in the case of a reference under *The Arbitration Act*, the order or judgment of the court shall be final and conclusive unless where an appeal lies it is appealed from within fifteen days after the filing thereof or within such further period not exceeding fifteen days as the Judge or a judge of the Supreme Court may allow. R.S.O. 1914, c. 32, s. 152 (1).

(2) The appeal shall be begun by filing a notice of appeal with the recorder of the division in which the property in question or a part of it is situate and paying to him the prescribed fee, and unless such filing and payment are so made, and unless the appeal is set down and a certificate of such setting down lodged with the recorder within five days after the expiration of said fifteen days or the further time allowed under subsection 1 the appeal shall be deemed to be abandoned. R.S.O. 1914, c. 32, s. 152 (2); 1915, c. 13, s. 8.

(3) The recorder shall forthwith after the filing of the notice of appeal and the payment of the prescribed fee, Recorder to transmit proceedings to Central Office.

transmit

transmit by registered post or by express to the Central Office at Osgoode Hall, Toronto, the order or judgment and all the exhibits, papers and documents filed therewith.

Order
extending
time for
appeal to be
sent to
recorder.

(4) Where the time for appealing is extended the appellant shall forthwith transmit the order for the extension, or a duplicate thereof, by registered post to the recorder. R.S.O. 1914, c. 32, s. 152 (3, 4).

PROCEDURE ON APPEALS.

Procedure
on appeals.

151. The practice and procedure, including the disposition of costs, on an appeal shall be the same as in ordinary cases under *The Judicature Act*. R.S.O. 1914, c. 32, s. 153.

VALIDITY OF PROCEEDINGS BEFORE JUDGE OR RECORDER.

Proceedings
under Act
not remov-
able by certi-
orari, etc.

152. Save as herein provided proceedings under this Act shall not be removable into any court by certiorari or otherwise, and no injunction, mandamus or prohibition shall be granted or issued out of any court in respect of anything required or permitted to be done by any officer appointed under the authority of this Act. R.S.O. 1914, c. 32, s. 154.

Validity of
proceedings
not to be
affected by
informality.

153. No proceeding before the Mining Court or a recorder shall be invalidated by reason of any defect in form or substance or failure to comply with the provisions of this Act, where no substantial wrong or injustice has been thereby done or occasioned. R.S.O. 1914, c. 32, s. 155. *Amended.*

POWER TO EXTEND TIME AFTER EXPIRATION OF PRESCRIBED TIME.

Expiration
of time for
doing any
act.

154. Where power is conferred by this Act to extend the time for doing an act or taking a proceeding unless otherwise expressly provided, the power may be exercised as well after as before the expiration of the time allowed or prescribed for doing the act or taking the proceeding. R.S.O. 1914, c. 32, s. 156.

PART VIII.—OPERATION OF MINES.

REGULATIONS.

Inter-
pretation,
"Qualified,"
"Author-
ized."

155. In this part "qualified" or "authorized" means properly qualified or authorized to perform specified duties under conditions existing.

(2) Responsibility for the authorization and decisions as to the qualifications of the employees shall rest with the employer or his agent. 1919, c. 12, s. 13. *Part.*

156. No male person under the age of sixteen years shall be employed in or about any mine, or under the age of eighteen years below ground in any mine. 1919, c. 12, s. 13. *Part.* Restrictions on employment of children.

157. Except as a stenographer, bookkeeper or in some similar capacity, no girl or woman shall be employed at mining work or allowed to be for the purpose of employment at mining work in or about any mine. 1919, c. 12, s. 13. *Part.* Girls and women.

158. No workman shall remain or be allowed to remain underground in any mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, provided, however, that,— Hours of labour underground.

- (a) a Saturday shift may work longer hours for the *Proviso.* purpose of avoiding work on Sunday or changing shift at the end of the week or giving any of the men a part holiday;
- (b) the said limit of time shall not apply to a shift boss, pump man, cage-tender, hoistman, or any person engaged solely in surveying or measuring, nor shall it apply in cases of emergency, where life or property is in imminent danger, or in any case of repair work, or to any mine where the number of men working in a shift does not exceed six.

(2) In this section,—

Interpretation.

"Workman" means any person employed underground in a mine who is not the owner or agent or an official of the mine; "Workman."

"Shift" means any body of workmen whose hours for "Shift." beginning and terminating work in the mine are the same or approximately the same.

(3) Where any question or dispute arises as to the meaning or application of clause *b* of subsection 1, or as to the meaning of "workman," "shift," or "underground," the certificate of the inspector shall be conclusive. Certificate of Inspector.

Application of sections as to penalties.

(4) For greater certainty it is hereby declared that sections 175, 176, 180, 181 and 182 of this Act shall apply to contraventions of this section; provided, however, that a workman shall not be guilty of an offence for failure to return to the surface within the time limited by this section if he proves that without fault on his part he was prevented from returning owing to means not being available for the purpose.

Suspension of operation of section.

(5) In the event of great emergency or grave economic disturbance, the Lieutenant-Governor in Council may suspend the operation of this section to such an extent and for such period as he deems fit; or as regards any iron mine, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, in like manner suspend the operation of this section in so far as such mine is concerned.

Commencement.

(6) This section shall come into effect on the 1st day of January, 1914, in all those parts of the province without county organization, and in the remaining parts of the province at such time as may be named by the Lieutenant-Governor by his proclamation. 1919, c. 12, s. 13. *Part.*

Age limit, hoistmen handling men.

159.—(1) No person under the age of twenty years and no person who has not had at least one month's experience on a reversing hoist shall be allowed to have charge of any hoisting engine by means of which persons are hoisted, lowered or handled in a shaft, or winze at any time.

Age limit.

(2) No person under the age of eighteen years shall be allowed to have charge of any hoisting engine or hoisting apparatus of any kind at a mine.

Physical defects of hoistmen.

(3) No person whose sight or hearing is deficient or who is subject to any other infirmity, mental or bodily, likely to interfere with the efficient discharge of his duties, shall have charge of any hoist. 1919, c. 12, s. 13. *Part.*

Penalty for employment of persons contrary to Act.

160. Where a contravention of any of the next preceding four sections takes place, the owner or agent of the mine, or both of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner or the agent shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place, at or near the entrance to the mining work. 1919, c. 12, s. 13. *Part.*

Fencing of abandoned or unworked mines.

161.—(1) Where a mine has been abandoned or the work therein has been discontinued, the owner or lessee thereof or any other person interested in the mineral of the

mine, shall cause the top of the shaft and all entrances from the surface as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced to the satisfaction of the inspector.

(2) Every such person who, after notice in writing from the inspector fails to comply with his directions as to such fencing within the time named in the notice shall be guilty of an offence against this Act.

(3) Where the inspector finds that any such fencing is required in order to avoid danger to health or property he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

(4) The amount of such costs with interest thereon shall be due from the owner or lessee to the Crown and recoverable at the suit of the inspector in any court of competent jurisdiction. 1919, c. 12, s. 13. *Part.*

Inquest to be held in Case of Fatality.

162.—(1) The coroner who resides nearest to a mine wherein or in connection therewith any fatal accident has occurred, shall forthwith conduct an inquest, but if he is in a mine, any way in the employment of the owner or lessee of the mine he shall be ineligible to act as coroner, and any other coroner shall, upon application by any person interested, forthwith issue his warrant and conduct such inquest, and this section shall be his authority for so doing whether his commission extends to such territory or not.

(2) The inspector and any person authorized to act on his behalf shall be entitled to be present and to examine or cross-examine any witness at every inquest held concerning a death caused by an accident at a mine, and if the inspector or some one on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days' notice of the time and place at which the evidence is to be taken. 1919, c. 12, s. 13. *Part.*

Rules for Protection of Miners.

163. The following rules shall be observed and carried out at every mine except in so far as the Inspector of Mines may deem the same not reasonably applicable.

Exemptions. (1) Mining operations on claims which are not patented and mines where less than six men are employed shall be exempted from rules 3, 13, 63, 66, 67, 68.

Sanitation.

Ventilation. (2) There shall be a sufficient amount of ventilation so that the shafts, adits, tunnels, winzes, raises, sumps, levels, stopes, cross-cuts, underground stables and other working places of the mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein, and in all portions of a mine, where the natural ventilating current is insufficient, suitable mechanical appliances shall be provided and operated.

Sanitary conveniences. (3) The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following rules:

- (a) Where the number of persons employed on any shift does not exceed one hundred there shall be one sanitary convenience for every twenty-five persons or proportion thereof;
- (b) Where the number of persons so employed exceeds one hundred there shall be one additional sanitary convenience for every fifty persons or proportion thereof over the first hundred;
- (c) These sanitary conveniences must be kept in a cleanly manner; must be adequately supplied with chloride of lime, sawdust, fine ash or other suitable absorbent; must be removed and cleaned regularly; must be conveniently placed with reference to the number of men employed on the different levels; and must be placed in a well ventilated part of the mine;
- (d) Any person or persons depositing faeces in any place underground other than in the sanitary conveniences provided, shall be guilty of an offence against this Act.

Care and Use of Explosives.

Site of magazine for explosives. (4) No magazine for explosives shall be maintained on any mining property except with the written permission of the Inspector of Mines. The site of this magazine and the style of structure shall be subject to the approval of the

inspector. Where possible, the site of the magazine must be distant at least four hundred feet from the mine and works or any public highway. The magazine shall be constructed of materials and in a manner to insure safety against explosion from any cause, and shall be either so situated as to interpose a hill or rise of ground higher than the magazine between it and the mine and works, or an artificial mound of earth as high as the magazine and situate not more than thirty feet from it shall be so interposed.

(5) Cases containing explosives shall not be opened in the magazine, and only implements of wood, brass or copper shall be used in opening the cases. Cases for explosives.

(6) After the first ten feet of advance has been made in any shaft or winze, all blasting shall be done by means of an electric current. Firing by an electric current.

(7) No explosives in excess of a supply for twenty-four hours shall be stored underground in a working mine, and no such storage place or underground place for thawing explosives shall be established without the approval in writing of the Inspector of Mines, who shall prescribe such conditions in connection therewith as he may deem necessary. Under-ground storage of explosives.

(8) Fuses, blasting-caps and electric detonators shall be kept in a place of safety and shall not, nor shall any article containing iron or steel, except fixtures, be kept or stored in the same magazine or thawing house with explosives or nearer than 50 feet therefrom. Storage of fuse, blasting caps, etc.

(9) No naked light shall be taken into any magazine or place where explosives are kept. No person shall smoke in a magazine or place where explosives are kept or while handling explosives. No naked light or no person smoking to enter magazine.

(10) The manager, captain or other officer in charge of a mine shall make a thorough daily inspection of the condition of the explosives in or about the same, and shall make an immediate investigation when an act of careless placing or handling of explosives is discovered by or reported to him; Inspection of stores of explosives in a mine.

(a) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered it, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act, and the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown Attorney of the county or district in which the mine is situate. Offence to be reported to the inspector or Crown Attorney.

Thawing houses.

(11) No building for thawing explosives above ground shall be maintained in connection with any mine except with the written permission of the Inspector of Mines. The site of this building and the style of structure and equipment shall be subject to the approval of the Inspector. The building shall be under the direction of the manager or some person authorized by him. The quantity of explosives brought into any thawing house at any one time shall not exceed the requirements of the mine for a period of twenty-four hours, plus the amount that it may be necessary to have thawing to maintain that supply.

Thawing near open fire or steam boilers forbidden.

(12) In no case shall powder be thawed near an open fire or steam boiler or by direct contact with steam or hot water, nor shall any electrical device for generating heat be allowed in the same compartment with explosives.

Thermometer necessary.

(13) A reliable reading thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but where the amount of explosives in such thawing room does not exceed two hundred pounds at any one time, the Inspector of Mines may give permission, in writing, to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperature be made and kept on file.

No iron or steel to be used in charging holes.

(14) In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel shall be used in any hole containing explosives, and no drilling shall be done in any hole that has been charged or blasted.

Reporting of missed holes.

(15) When a workman fires a round of holes he shall, where possible, count the number of shots exploding. If there is any report missing, he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen before work is commenced by them.

Lengths of fuses to be used.

(16) In no case shall a person return to the place where blasting has been done within four minutes of the time of lighting the fuse. Except in chute-blasting, no fuse shorter than three feet shall be used in any blasting operation. In case of a supposedly missed hole, where the fuse did not exceed four feet in length, no person shall return within five minutes of lighting the same; where the fuse is between four and eight feet in length, no person shall return within fifteen minutes; where the fuse is longer than eight feet, no person shall return within the number of minutes which are equal to twice the number of feet in the fuse.

(17) In no case shall a workman light the fuse without ^{Second light} necessary having a second light placed conveniently close.

(18) Every workman shall, before blasting, give or cause ^{Due warning} to be given due warning in every direction by shouting "Fire," required. and shall satisfy himself that all persons have left the working place except those required to assist him in blasting.

(19) Every workman shall, before blasting, cause all ^{Guarding entrances} entrances to the place or places where such blasting is to be ^{where blasting is to be done} done or where the safety of persons may be endangered by ^{done.} such blasting, to be effectively guarded, so as to prevent inadvertent access to such place or places while such charges are being blasted.

(20) A workman shall not, where blasting takes place by ^{Electric current} electricity, enter or allow other persons to enter the place to be disconnected or places where the charges have been fired until he has ^{after} disconnected the cables from the blasting battery, or has pulled out and locked the switches of the blasting circuit.

(21) Immediately before any person conveys explosives in ^{Notice of lowering explosives required.} a shaft by means of machinery he shall give or cause to be given notice to the hoistman, deckman and cage tender.

(22) The hoistman shall gently lower or raise the cage or ^{Explosives to be raised} other conveyance containing explosives. No person shall ^{lowered gently.} place in or take out of the shaft conveyance any explosives except under the immediate supervision of the person authorized by the manager, mine captain or shift boss.

(23) No person authorized to travel with explosives on ^{Explosives to be left} any shaft conveyance and to distribute same shall leave any ^{only in} explosive at a station or stopping place, unless in a place ^{authorized} provided for storage of explosives, but he shall personally ^{places at stations.} deliver the same to another authorized person.

(24) No person shall take away from a mine any explosive ^{Explosives must not be moved from mine} without the written permission of the manager or of such ^{except by written permission of manager.} person as may be authorized by the manager to give such permission.

(25) A charge which has missed fire shall not be withdrawn, but shall be blasted, and no drilling shall be done ^{Charge missing fire to be blasted.} within a distance of ten feet of a missed hole or a cut-off hole containing explosive until it has been blasted.

(26) All drill holes, whether sunk by hand or machine ^{Size of drill holes.} drills shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or

pressure. No explosive shall be removed from its original paper container.

Blasting
of roast
heaps.

(27) No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

Marking
strength
on original
packages of
explosives.

Defective
explosives
to be
reported.

(28) No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength, and the date of its manufacture. Every case of supposed defective fuse, detonator or powder shall be reported to the Inspector of Mines, with the name of the manufacturer and the serial number of the package from which such fuse detonator, or powder was taken.

Blasting on
contiguous
claims.

(29) Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

Protection in Working Places, Shafts, Winzes, Raises, etc.

Protection
of workmen
in drifts.

(30) Where a drift extends from a shaft in any direction on a level, a safe passage way and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

Protection
of men
while sink-
ing shaft.

(31) During shaft-sinking operations no work in any other place in the shaft shall be done, nor shall any material or tools be hoisted or lowered from or to any other place in the shaft while men are at work in the bottom of the shaft unless the men so at work be protected from the danger of falling material by a securely constructed covering extending over the whole area of the shaft, sufficient closable openings being left in the covering for the passage of men and the bucket or other conveyance used in the sinking operations, or by a substantial rock pentice.

Fencing of
shafts and
other open-
ings.

(32) The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected.

Protection
of shaft
and winze
openings
in levels.

(33) At all shaft and winze openings on every level, a gate or guard rail, not less than three feet or more than four

feet

feet above the floor, shall be provided and kept in place except when the cage, skip or bucket is being loaded or unloaded at such level.

(34) Where the enclosing rocks are not safe every adit, Securing tunnel, stope or other working in which work is being carried on, or persons passing, shall be securely cased, lined or timbered, or otherwise made secure.

(35) Every shaft shall be properly timbered, and such timbering shall be maintained within a reasonable distance of the bottom of the shaft. Timbering required in shafts and raises.

(36) All vertical raises which are to be carried more than 50 feet from the floor of the level shall be divided into at least two compartments, one of which shall be maintained as a ladderway and equipped with suitable ladders. The timbering shall be maintained within a reasonable distance of the back of the raise. Raises divided into two compartments.

(37) The top of every mill hole in a stope shall, as far as practicable, be kept covered. Covering mill holes in stope.

(38) Underground workings, especially shafts, sumps and winzes, which have been in disuse for some time shall be examined before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are in a fit state to work or travel in. Unused workings to be tested for gas.

Handling Water.

(39) Every working mine shall be provided with suitable safety from water, and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

(40) Where there is or may be an accumulation of water any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of the water. Bore holes necessary when approaching places likely to contain dangerous amount of water.

(41) Every dam or bulkhead shall be designed to resist at least five times the estimated maximum pressure at the point of erection, and its location shall be clearly shown on the mine plan filed with the Department annually. Location of dams to be shown on mine plans.

Ladderways.

Foot ladder or passage in shaft to be separated from hoist.

(42) The ladder or passage-way in a shaft or winze shall be separated by a closely boarded partition from the compartment or division of the shaft or winze in which the material is hoisted.

Ladders in shaft.

(43) A suitable footway or ladderway shall be provided in every shaft.

Ladders and platforms in steeply inclined shafts.

(44) In a shaft inclined at over seventy degrees from the horizontal a substantial platform shall be built at intervals not exceeding twenty feet in the ladderway, and the same shall be closely covered except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform.

Ladders and platforms and stairways in shafts of a low angle.

(45) In a shaft inclined at less than seventy degrees or more than fifty degrees from the horizontal the ladders may be continuous, but platforms shall be built at intervals not exceeding twenty feet, and so covered that only an opening large enough for the passage of a man's body is provided. Stairways may be used in a shaft inclined at less than fifty degrees from the horizontal.

Vertical ladders.

(46) No ladder, except an auxiliary ladder used in sinking operations, may be fixed in a vertical position.

Handrails for ladders.

(47) Every ladder shall project at least three feet above its platform, except where strong hand rails are provided.

Construction of ladders.

(48) Every ladder used shall be of strong construction; shall be securely fastened to the timbering or wall of shaft, winze, raise, or stope, and shall be maintained in good repair.

(a) The distance between centres of rungs of ladders shall not be greater than twelve inches or less than ten inches, and the spacing of rungs shall not vary more than one-half inch in any particular ladderway;

(b) In order to give a proper foothold the rungs shall in no case be closer than four inches from the wall of a shaft, winze or raise, or any timber underneath the ladder.

Wire rope ladders.

(49) Wire rope or strands of wire rope shall not be used or allowed to be used for climbing purposes in any mine if they are frayed or have projecting broken wires.

Raising or Lowering Persons.

(50) No person shall be lowered or hoisted, or allow himself to be lowered or hoisted, in a shaft, winze or other underground opening of a mine: When persons not to be hoisted.

- (a) In a bucket or skip, except that men employed in shaft sinking shall be allowed to ascend and descend to and from the nearest level or other place of safety by means of the bucket or skip used for hoisting material, but there shall always be a suitable ladder in the shaft to provide an auxiliary means of escape; ^{In buckets or skips.}
- (b) In a cage or skip, except as provided in clause *a*, which is not provided with a hood, dogs and other safety appliances approved by the inspector; ^{When safety appliances not used.}
- (c) In a cage, skip, or bucket that is loaded with tools, with powder, or other material, except for the purpose of handling the same. ^{Cage loaded with materials.}

(51) Whenever a mine shaft exceeds four hundred feet in vertical depth, a safety cage shall be provided, kept and used for lowering and raising men in the shaft, unless otherwise permitted in writing by the Inspector. ^{Safety-cages in shafts over 400 feet deep.}

(52) After any stoppage of hoisting for repairs, and after Hoisting stoppage for any other purpose, which shall exceed two hours' duration, no person shall be raised or lowered until the cage or skip has made one complete trip up and down the working portion of the shaft. ^{after stoppage for repairs.}

(53) All cages or skips used for lowering or raising men shall be constructed as follows: ^{Cages or skips, how to be constructed.}

- (a) The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness; ^{Hood.}
- (b) The cage shall be provided with sheet iron or steel side casing not less than one-eighth of an inch in thickness, or with a netting composed of wire not less than one-eighth of an inch in diameter, and with doors made of suitable material; ^{Casing or netting.}
- (c) The doors shall extend at least five feet above the bottom of the cage, and shall be closed when lowering or hoisting men; ^{Doors.}
- (d) The cage shall have overhead bars so arranged as to give every man an easy and secure handhold; ^{Overhead bars for handholds.}

Safety
catch.

- (e) The safety appliances shall be of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft, as provided in clause *b* of subsection 61 of this section; but the Inspector of Mines may give permission, in writing, for hoisting, without safety appliances, in an inclined shaft, if he is satisfied that the equipment is such that a maximum of safety is provided;
- (f) The cage shall not have chairs attached thereto which are operated by a lever through or from the floor of the cage.

Operating
chairs
by lever.

SHAFT EQUIPMENT, ETC.

Crossheads
to be pro-
vided with
safety
appliances.

(54) All crossheads shall be provided with a safety appliance so constructed that the crossheads cannot stick in the shaft without also stopping the bucket. Such safety appliance shall be subject to the approval of the Inspector of Mines.

Material
in cage
bucket or
skip to be
fastened.

(55) Where steel, timber or other material, being raised or lowered in a shaft or winze, projects above the top of the bucket, cage or skip, it shall be securely fastened to the top of the conveyance or to the hoisting rope.

Bucket
to be
steadied

(56) No bucket shall be allowed to leave the top or bottom of any shaft or winze until the workman in charge thereof has steadied it or caused it to be steadied.

Bucket or
skip not to
be filled
above level
of brim.

(57) In a shaft or winze, in the course of sinking, the bucket or skip shall not be filled with loose rock or ground above the level of the brim.

Bucket or
skip to be
stopped fif-
teen feet
from bottom.

(58) In a shaft or winze, in the course of sinking, the bucket or skip shall not be lowered directly to the bottom of the shaft if there are men working there, but shall be held at least fifteen feet above the bottom, and shall remain there until the signal to lower same has been given by the men on the bottom.

Method of
fastening
material.

(59) In handling material other than in a bucket, cage or skip, care shall be taken that such material is securely and safely fastened to the hoisting rope. A chain sling fastened by means of a grab hook shall not be used. A timber hitch around a stick of timber shall not be used unless accompanied by an additional half hitch, or other suitable means, to prevent timber slipping.

Hoisting.

(60) The owner or manager of a mine, where a hoisting engine is in use, shall depute some competent person or persons whose duty it shall be to examine at least once in each week the sheave wheels, the hoisting rope and the attachments thereof to the drums and to the buckets, cages or skips, the brakes and depth indicators and the buckets, cages and skips and any safety catches attached thereto; the guides and hoisting compartments generally and the signalling arrangements; and the external parts of the hoisting engine.

(61) Such owner or manager shall also depute a competent person who shall examine:

- (a) at least once in each month the structure of the hoisting ropes with a view to ascertaining the deterioration thereof. For the purposes of this examination the rope must be thoroughly cleansed at points to be selected by said person, who shall note any reduction in the circumference of, and the proportion of wear in, the rope;
- (b) at least once a month the safety appliances of the cages or other shaft conveyances, so equipped, to be tested by testing same under load conditions, such test to consist of releasing the cage suddenly, in some suitable manner, so that the safety catches shall have opportunity to grip the guides, and in case the safety catches do not act satisfactorily the cage or other shaft conveyance shall not be used further for hoisting men until the safety catches have been repaired and been proved to act satisfactorily.

(62) If, on any examination, as is hereinbefore required there is discovered any weakness or defect by which the safety of persons may be endangered, any such weakness or defect shall be immediately reported to the owner or manager or person in charge, and until such weakness or defect is remedied the hoisting plant shall not be used.

(63) Such owner or manager shall keep or cause to be kept at the mine a book to be termed the "Machinery Record Book," in which shall be recorded a true report of every such examination as is hereinbefore referred to, signed by the person making the examination.

(64) In case of hoisting engines there shall be not less than three rounds of rope upon the drum when the bucket, cage or skip is at the lowest point in the shaft or winze from which

Length of ropes required on drum when skip is at the bottom.

which hoisting is effected. The end of the rope shall be properly fastened around the shaft or an arm of the drum.

Hoisting both men and materials.

(65) In case a hoisting rope is used both for the raising and lowering of men and materials, the weight attached to the rope in the former case, when the bucket cage, or skip is bearing its authorized load shall not exceed eighty-five per cent. of the maximum allowable weight when the rope is in use for other purposes.

Rope certificate necessary.

(66) No new hoisting rope shall be used which is not accompanied by a certificate from the manufacturer giving the following information: Name and address of manufacturer—coil or reel number—date of manufacture—diameter and circumference of rope in inches—weight per foot in pounds—number of strands—class of core—number of wires in strand—diameter of wires, decimals of an inch—breaking stress of steel of which wire is made, in tons per square inch—estimated breaking load of rope. This certificate or a copy of the same shall be recorded in a book known as the "Rope Record Book," which shall always be open for inspection by the Inspector of Mines, and which shall contain in addition the following information: Date of purchase—length of rope in feet—name of shaft and compartment in which rope is used—date on which put on—date of shortening—date of recapping—date of turning end for end—dates of tests after shortening—breaking load of rope at these tests—date when rope was taken off.

Examination of attachments.

(67) A hoisting rope newly put on shall have the connecting attachments, between the bucket, cage or skip and the rope carefully examined by some competent and reliable person authorized by the owner, manager or department head, and shall not be used for ordinary transport of persons in any shaft or winze until two complete trips up and down the working portions of such shaft or winze have been made, the bucket, cage or skip bearing its authorized load. The result of such examination shall be recorded in the Rope Record Book.

Testing portion of rope.

(68) At least once in every six months the hoisting rope shall have a portion not less than six feet in length cut off the lower end. With the exception of the cutting at the end of the first six months the length so cut off shall have the ends adequately fastened with binding wire to prevent the disturbance of the strands and shall be sent to a reliable testing laboratory for a breaking test. The certificate of such test shall be kept on file. This rule shall not come into effect until proclaimed by the Lieutenant-Governor in Council.

(69) At the periodical cutting of the rope the connection between the rope and the bucket, cage or skip shall be annealed.

(70) Every hoisting rope shall be treated with a suitable rope compound as often as necessary and at least once in every month.

(71) In no case shall a hoisting rope be used from which a defective portion has been cut out and the ends spliced.

Spliced ropes not to be used.

(72) No hoisting rope which has previously been in use in any place beyond the control of the owner or manager shall be put on anew except with the permission of the Inspector of Mines.

History of rope necessary.

(73) The factor of safety of all hoisting ropes when newly installed in shafts less than 2,000 feet in depth shall in no case be less than six, and in shafts over 2,000 feet in depth and less than 3,000 feet in depth shall not be less than five. The factor of safety shall be calculated by dividing the breaking strength of the rope as given in the manufacturer's published tables by the sum of the maximum load to be hoisted plus the total weight of the rope in the shaft when fully let out.

Factor of safety of hoisting rope.

No hoisting rope shall be used for the raising or lowering of men when its factor of safety based on its existing strength and dead load shall have fallen below 4.5.

No hoisting rope shall be used for the raising or lowering of men when the number of broken wires in one lay of said rope exceeds six, or when marked corrosion appears.

(74) Head sheaves shall be of such diameter as shall be suited to the rope in use.

Head sheaves.

(75) No person shall travel or be permitted to travel in a bucket, cage or skip operated by an engine which is being simultaneously used for the hoisting of mineral or material, except as provided for in clause c of rule 51.

Hoisting men and material simultaneously.

(76) Hoisting from mine workings with horse and pulley-block is forbidden.

Hoisting with horse and pulley-block.

(77) The connection between the hoisting rope and the bucket, cage, skip or other means of conveyance shall be of such a nature that the risk of accidental disconnection is reduced to a minimum.

**Slipping
of rope
on drums.**

(78) On the drum of every machine used for lowering or raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping off.

**Counter-
weights.**

(79) Where counterweights are used in shafts, the compartment in which they operate shall be securely enclosed.

**Brakes
required.**

(80) Where hoisting is done by means of an engine an adequate brake or brakes shall be attached to the drum of the hoist and kept in proper working order.

**Type of
brake.**

(81) Such brakes shall be so arranged that, whether the engine is at work or at rest, they can be easily and safely manipulated by the hoistman when standing at the levers controlling the engine. No hoist used for the raising or lowering of persons, or used in shaft sinking, shall be equipped with a brake or brakes operated by means of a hoistman's foot unless such brake is an auxiliary electrical device. The adjustments of brake or brakes shall be maintained in such condition that when the normal power of the brake or brakes is applied the brake lever will still have a clearance between itself and the ends of the quadrant in which it works.

**Locking
gear.**

(82) The operating gear of the clutch of the drum shall be provided with locking gear to prevent inadvertent withdrawal of the clutch.

**Locking
devices.**

(83) Such bolts and other fittings of the drums, brakes and clutches as might be a source of danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices.

**Brakes to
be tested.**

(84) The operator of a hoisting engine shall not, after going on shift, unclutch a drum of his engine until he has assured himself immediately beforehand, by festing the brake of the drum against the normal starting power of the engine, or in case of an electric hoist against the normal starting current, that the brake is in proper condition to hold the load suspended from said drum.

**Friction
clutches.**

(85) When the hoisting engines are fitted with friction clutches, the operator, after going on shift, shall, when clutching in, test the holding power of the clutch before releasing the brake of the corresponding drum, the brake of the other drum being kept off. In case of a steam or air hoist, the test shall be made against the normal starting power of the engine, and in case of an electric hoist against the normal starting current.

(86) In case of non-reversible steam or air hoists and single-drum electric hoists, not used in balanced hoisting, an adequate auxiliary brake shall be installed on the drum of the hoist before the same shall be used for hoisting or lowering men, but non-reversible steam or air hoists with throttle-controlled exhaust shall not require such auxiliary brake.

(87) Every hoisting engine shall, in addition to any marks on the rope, be provided with a reliable depth indicator, which will clearly and accurately show to the operator at all times:

- (1) the position of the bucket, cage or skip; and
- (2) at what positions in the shaft a change of gradient necessitates reduction in speed;

but this rule shall not apply to hoisting engines used in sinking operations when the hoistman has an unobstructed view of the landing station and the distance from the landing station to the bottom of the shaft does not exceed 300 feet.

(88) In every shaft exceeding 600 feet in depth adequate provision shall be made whereby the hoistman is warned of the arrival of the bucket, cage or skip at a point in the shaft, the distance of which from the top landing place is not less than the equivalent of three revolutions of the drum of the hoisting engine. Such device shall be operated independently of the hoist indicator.

Haulage.

(89) No person shall ride upon or against any loaded car in any level, drift or tunnel in or about any mine. In mechanical haulage this shall not apply to train crews.

(90) On every level on which mechanical haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars.

Clearance
between
cars and
sides of
level.

Scaling, Escapement Shafts, etc.

(91) The owner, manager, or other authorized person shall examine daily all parts of the mine where drilling and blasting is being carried on; shall examine at least once a week the other portions of a mine in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, crosscuts and raises, in order to ascertain that they are in a safe working condition; shall inspect and scale or cause to be inspected

and

and scaled the roofs of all stopes or other working places as often as the nature of the ground and of the work performed necessitates; shall provide a scaling record book, to be kept in the mine office, in which shall be entered daily all major scaling operations.

**Scaling bar
to be
provided.**

(92) The owner or manager shall provide and maintain an adequate supply of scaling bars, gads and other equipment necessary for scaling.

**Life lines
to be used.**

The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workman to continually wear such life lines while working in dangerous places.

**Escapement
shafts.**

(93) Every person who has sunk in any mine a vertical or inclined shaft to a greater depth than 100 feet, and who has drifted a distance of 200 feet or more from the shaft and has commenced to stope, shall provide and maintain, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft or opening. Such auxiliary exit shall not be less than fifty feet from the main hoisting shaft and shall not be covered by any inflammable structure. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until the same is completed and means of escape other than the main shaft shall be provided to and connected with the lowest workings in the mine. The escapement shaft or opening shall be of sufficient size to afford an easy passageway, and shall be provided with good and substantial ladders from the deepest workings to the surface. With the exception of any erection used solely as a shaft-house, no permanent building, for any purpose, shall be erected within fifty feet of the mouth of a mine, unless there is such an auxiliary exit. No boiler shall be installed within one hundred feet of the collar of any shaft except with the written permission of the Inspector of Mines;

Proviso.

Provided that where the timber and wood in the hoisting shaft of a mine are constantly wet, and in the opinion of the Inspector it is not necessary for the safety of the workmen that the escapement shaft or opening be continued to and connected with the lowest workings, he may in writing so certify, and thereupon such requirement shall not apply to such mine, but the Inspector may require any other precautions to be taken which he may deem necessary.

(94) All timber not in use in a mine shall, as soon as practicable, be taken from the mine and shall not be piled up and permitted to decay therein. Old timber to be removed.

(95) All oil and other inflammable material shall be stored in a suitable manner and at a safe distance from any powder magazine, thaw house or shaft house. Oil storage.

(96) Calcium carbide shall be stored on the surface only, in a suitable dry place and in its original container. It shall only be taken into a change house or shaft house in sufficient quantity for the day's use, and such precautions shall be taken as will ensure its being safely handled. No carbide shall be taken underground except in watertight containers. Storage of carbide.

Signals.

(97) Every working shaft which exceeds fifty feet in depth, unless otherwise permitted in writing by the Inspector, shall be provided with some suitable means of communicating by distinct and definite signals from the bottom of the shaft and from every level for the time being in work between the surface and the bottom of the shaft, to the hoist room. Signalling.

(98) All methods of signalling in a mine shall be printed and posted up in the engine house or hoist house and also at the top of the shaft and at the entrance of each level. Code of signals.

The following code of mine signals shall be used at every mine:

Code of Mine Signals.

1 bell Stop immediately—if in motion.

1 bell Hoist.

2 bells Lower.

3 bells Men about to ascend or descend. The 3-bell signal must be given before men enter the cage. When the hoistman receives this signal, he must not move cage for ten seconds after he has received the balance of the signal. In case he is unable to act within one minute of the time he has received the signal, he shall not move hoist until he receives fresh signal. When the hoistman receives a 3-bell signal he shall remain at his levers until the full signal has been received and the act of hoisting or lowering completed.

4 bells Blasting signal. Engineer must answer by raising bucket, skip or cage a few feet and letting it back slowly, then one bell, hoist men away from blast.

9 bells . . . Danger signal in case of fire or other danger.
Then ring number of station where danger exists.

Special signals may be used at any mine, if they have been approved by the Inspector.

Signal to be given only by authorized person.

(99) No person, unless duly authorized, shall give any signal for moving or stopping bucket, cage or skip. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements.

Notices to be posted showing number of men permitted to ride.

(100) A notice showing clearly the number of persons allowed to ride on, and the weight of materials allowed to be loaded on the cage or skip shall be posted at the collar of the shaft. The person authorized to give signals will be held responsible for observance of such notice. No person shall offer obstruction to the enforcement of such notice.

Protection from Machinery.

Railing or casing when required

(101) Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing.

Uneven projections to be covered.

(102) Every key, bolt, set-screw, and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered.

Runways, etc., used for oiling to have hand rail.

(103) Every runway and staging used for oiling or other purposes more than five feet from the floor shall be provided with hand-railing.

Protection of entrances.

(104) Every entrance to any elevator, hatchway or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate.

Wearing loose clothing.

(105) Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing.

Frogs in tracks.

(106) Every frog in a track, either above or below ground, on which cars are moved by mechanical power shall have a guard block of wood or iron.

Gongs, etc., on hauling engines.

(107) Every locomotive engine, trolley or motor car used for hauling material, either above or below ground, shall be

equipped

equipped with a gong, bell or whistle, which shall be sounded when starting and at such other times as warning of danger may be required.

(108) Power-driven grinding wheel shall be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard shall be adjusted close to the wheel and extend forward, over top of the wheel, to a point at least thirty degrees beyond a vertical line drawn through the centre of the wheel. Grinding wheels to be guarded.

(109) Every counterweight shall be so situated or guarded that injury to any person would not be probable should it become detached from its fastenings. Counter-weights.

(110) No stair exceeding five feet in height shall be built at a greater inclination than fifty degrees from the horizontal. All stairs exceeding five feet in height shall be provided with a substantial hand-rail. Stairways.

(111) Guard rails shall be placed at the approach to rail-way tracks, where the view of such tracks is obstructed in one or both directions. Guard rails at track approaches.

Boilers.

(112) (1) Every steam boiler used for generating steam in steam boilers, or about a mine shall, whether separate or one of a range,—

- (a) have attached to it a proper safety-valve, and also safety valves, a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler;
- (b) be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months; and a certified copy of the report of the inspection shall be forwarded to the Inspector within seven days;

(2) Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. Maintenance.

Dressing Rooms.

(113) If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of clean cold and warm water for washing, shall be provided above ground near the principal entrance of the mine, and not in the engine room, boiler room, Dressing room.

room, or nearer than fifty feet to the shaft house, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Aid to Injured.

Stretchers
for con-
veyance of
injured
persons.

(114) At every mine a properly constructed stretcher shall be kept for the purpose of conveying to his place of abode any person who may be injured while in the discharge of his duties at the mine.

Supplies
for first
aid.

(115) A supply of articles suitable for first aid shall be kept accessible at every mine for the treatment of anyone injured, including the following:—antiseptic gauze, carbolated vaseline, sponges, soap, carbolic acid, tablets of bichloride of mercury, linseed oil, bandages, towels and a wash basin, or such first-aid service as is required by the Workmen's Compensation Board of Ontario.

Antidotes
and washes

(116) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced there shall be kept in a conspicuous place as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled, and explicit directions for their use affixed to the boxes containing them.

Removal
of dust.

(117) In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal.

Keeping
water sup-
ply to lay
dust.

(118) Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.

Time for
blasting.

(119) The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke.

Shields for
protection
against
burning.

(120) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them as far as possible from being burned with molten material.

Sand and Gravel Pits.

(121) In open-pit workings of sand and gravel the method ^{Undermining forbidden.} of removing material by undermining shall not be allowed.

No vertical working place shall have a height of more than ten feet; where the thickness of material to be excavated exceeds ten feet in depth, the work shall be done in terraces, or at an angle of safety. This rule shall not apply to pits where the material is excavated solely by mechanical means.

(122) All hoisting ropes used on cranes shall be subject to ^{Rules for crane ropes} the same rules as are laid down for hoisting ropes at mines.

(123) The owner or manager shall depute some qualified ^{Daily examination of cranes.} person or persons to examine daily such parts of the cranes or apparatus pertaining thereto upon the proper working of which the safety of persons depends. A record of such examinations shall be kept.

(124) Every crane shall be equipped with suitable devices ^{Over-winding devices.} to prevent overwinding.

(125) No person under the age of eighteen years shall be ^{Age of elevator operator} allowed to operate an elevator.

(126) No person under the age of eighteen years shall be ^{Age of crane operator.} allowed to operate a crane.

(127) When a hoistway is not enclosed in walls, access to ^{Guarding hoistway.} the hoistway by means of an adjacent stairway, platform or floor, which is not an authorized landing, shall be prevented by means of a partition to a height of at least six feet.

(128) Every entrance to a hoistway shall be provided with ^{Folding gates.} a substantial door or doors or gate or gates at least six feet in height. All folding gates over three feet wide shall have top and bottom centre braces.

(129) All guide rails for cars and counterweights shall be ^{Guide rails} of substantial construction, and shall be securely fastened to the sides of hoistway, and the bottom ends shall rest on a secure foundation, and be firmly fixed in that position.

(130) On every elevator hereafter installed a clear space ^{Clearance for car.} of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing.

Lighting.

(131) Every hoistway landing and place where machinery is erected shall be well lighted.

Protection on elevator.

(132) Every elevator on which any person travels shall be provided with side casing, and shall have a door or doors extending at least five feet above the bottom of elevator, and the top shall be covered with suitable protective roofing.

Safety catches.

(133) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and twice the maximum load in any position in the hoistway. When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts.

Automatic safety devices.

(134) Every elevator shall be provided with automatic devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent over-winding.

Protecting counter-weights.

(135) All counterweights shall have their sections strongly bolted together, and shall be so situated that they cannot fall upon any part of the elevator or machinery, and shall be suspended in their guides in such a manner that they will run freely without danger of being detached. Where counterweights run in the same hoistway as the car they shall be protected with a substantial screen of iron or steel from top of guides to a point fifteen feet below.

*Blast Furnaces.***Ventilation.**

(136) At all furnaces of the hand-filled type the room at the furnace top where workmen are engaged shall be adequately ventilated, and there shall be provided and maintained in good order a stairway equipped with hand-rail, from the top of the furnace to the ground level below, affording a safe means of exit in case of danger from any cause.

Protecting workmen.

(137) Whenever it is necessary for a workman to go up on the bustle pipe for any purpose, he shall first notify the furnace keeper or some other responsible person, whose duty it shall be to remain on watch during the period the workman is engaged on the bustle pipe.

Protection from bustle pipes.

(138) All bustle pipes shall be provided with safe working platforms, equipped with hand-rails, at least three feet six inches in height, and wherever practicable the platform shall

not rest directly on the bustle pipe, but be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it. Access to the platform shall be by stairway provided with hand-rails.

(139) Whenever it becomes necessary for a workman to go on top of the furnace for oiling, cleaning or other duty, he shall notify the foreman or other responsible person, who shall see that not less than two men go on top for any purpose. It shall be the duty of one workman to act as watcher and to give the alarm to the stock house, cast house, or bell operator, and render every possible assistance in case of danger from gassing or other causes.

(140) Life lines and belts, in good order, shall be provided and kept in some secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by any workman whose duties require him to work in an atmosphere which is liable to become gaseous.

(141) A proper and adequate line of communication by telephone, gong or other mechanical means shall be maintained between the furnace top and all other dangerous places, and the cast house, skip operator's room, or other place where workmen are continuously on duty.

(142) All stairways shall be inclined at an angle not greater than 50 degrees from the horizontal, and provided with landings or turn-outs, at intervals of 25 feet, so that it will not be possible for a workman to fall from the top to the foundation landing below.

(143) Every foreman shall personally supervise or appoint a competent assistant to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the cast house, about the stoves when blowing in or blowing out, and any work about the bells or stock line. He shall also, when the furnace is known to be hanging and liable to slip, see that no workman is allowed on top for any purpose.

(144) Stock piles of ore, limestone, coke or other material shall be inspected daily by some authorized person whose duty it shall be to see that they are in a safe working condition.

(145) Whenever ore becomes frozen in the hopper and workmen are required to bar the same into the furnace, a bell proper guard-rail shall be provided to prevent workmen slipping on to the bell, and all workmen so engaged shall be equipped with belt and life line.

Rescue apparatus.

(146) There shall be maintained at all blast furnaces in a readily accessible place breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of oxygen and absorbent material. There shall always be on duty in each working shift a workman or workmen appointed by the superintendent and trained in the use of breathing and resuscitating apparatus.

RULES GOVERNING USE OF ELECTRICITY.

Definitions.

"Electrical Supply Station."

Electrical Supply Station means any building, room, or separate space within which is located electrical supply equipment and which is accessible, as a rule, only to properly qualified persons. This includes generating stations and substations, and generator, storage battery and transformer rooms.

"Utilization Equipment."

Utilization Equipment means equipment, devices, and connected wiring, which utilize electrical energy for mechanical, chemical, lighting, testing, or similar purposes and are not a part of supply equipment.

"Voltage."

Voltage or Volts means the highest effective voltage between the conductors of the circuit concerned, except that in grounded multowire circuits, not exceeding 750 volts between outer conductors, it means the highest effective voltage between any wire of the circuit and the ground.

In ungrounded, low-voltage circuits, voltage to ground means the voltage of the circuit.

"Grounded."

Grounded means connected to earth or to some extended conducting body which serves instead of earth. This ground connection may be at one or more points.

"Cut-out."

Cut-out means any device, such as a fuse or circuit-breaker, by which the electrical continuity of a conductor may be automatically broken by changes in current or voltage.

"Switch."

Switch means a device for opening or closing or changing the connections of a circuit manually. In these rules a switch is always to be understood as operated manually, unless otherwise stated.

"Disconnector."

Disconnector means a switch which is intended to open a circuit only after the load has been thrown off by some other means.

Re-construction means replacement of any portion of an existing installation by new equipment or construction, but does not include ordinary maintenance replacements. "Re-construction."

Wire Gauge, Brown and Sharpe (B. & S.) is the standard. "Wire Gauge."

Switchboard means a large single panel or assembly of panels on which are mounted switches, fuses, busses, and usually instruments, and accessible both in front and in rear. Circuits and machinery of relatively large capacity are controlled from such boards. "Switch-board."

Panelboard means a single panel containing busses, fuses and switches to control lights, and devices of small individual as well as aggregate capacity, placed in or against a wall or partition and accessible only from the front. "Panel-board."

GENERAL RULES.

(147) Where electrical apparatus or machinery is used at any mine it shall be in charge of an authorized person, who shall be qualified by experience to handle such apparatus or machinery. Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent for the work that he is set to do. Repairs, extensions and changes shall be made to existing electrical equipment and conductors only by authorized persons. Competent person in charge.

(148) No person, other than the person authorized by the owner, manager, or superintendent, shall enter an electrical supply station or interfere with the workings of any machine, transformer, motor, or apparatus connected therewith, and when the authorized person is not present the door of such room shall be kept securely locked. Supply stations to be inaccessible to unauthorized persons.

(149) All electrical equipment shall be of such construction and so installed and maintained as to reduce the life and fire hazard as far as practicable. General requirements.

(150) Electrical equipment shall comply with these rules when placed in service, and shall thereafter be periodically inspected and, when necessary, cleaned. Defective equipment shall be put in good order or permanently disconnected. Defective wiring shall be repaired or removed. Inspection and repairs.

(151) Electrical utilization equipment as well as generating equipment, if enclosed in a separate room which is inaccessible to unauthorized persons, and when in service is under the control of a qualified electrical operator whose attention When electrical utilization equipment to be deemed supply station. is

is not distracted by other processes, shall be considered as electrical supply station equipment, and such exceptions as are made to the general rules for supply stations shall apply to these installations.

Identification of equipment.

(152) All electrical equipment shall be suitably identified where necessary for safety. The voltage and intended use shall be shown, where important.

GENERAL GROUNDING RULES.

Circuits to be grounded.

(153) All circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having primary voltage exceeding 750 volts. Three-wire single-phase circuits and three-wire direct-current circuits not exceeding 300 volts between outer conductor shall have the neutral grounded.

Equipment to be grounded.

(154) Electrical equipment shall, when practicable, have the exposed non-current-carrying parts such as frames of motors, generators, switchboards, cases of transformers, oil switches and instruments and casings or wiring and conductors permanently grounded:—

1. For all equipment over 150 volts;
2. For all equipment where metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls (such as damp wood, concrete or rock underground). Grounded surfaces within 5 feet horizontally of the parts considered, or within 8 feet vertically of the floor shall be considered within reach.

Equipment and wire runways.

(155) The point at which ground conductor is attached to the equipment or wire runways shall, if practicable, be readily accessible.

Material and continuity of ground conductor.

(156) The ground conductor shall be of copper or other metal which will not corrode excessively under the existing conditions and, if practicable, shall be continuous. Ground connections from circuits shall not be made to jointed piping within buildings, except that water or air piping beyond any point which is liable to disconnection may be used.

Size of ground conductor.

(157)—(a) For grounding circuits the ground conductors must have a carrying capacity equal to that of the circuit and must never be less than No. 6 B. and S.

(b)

(b) For electrical equipment the current-carrying capacity of a ground conductor shall not be less than that provided by a copper wire of the size indicated in the following table. When there is no cut-out protecting the equipment, the size of the ground wire will be determined by the design and the operating conditions of the circuit.

Capacity of nearest automatic cut-out.	Required size ground conductor B. and S. gauge.
200 to 500 amperes.....	4
100 to 200 "	6
30 to 100 "	10
10 to 30 "	14

In portable cord to portable equipment protected by fuses not greater than 10-ampere capacity, No. 16 ground wire may be used.

(158) Ground conductors shall have mechanical protection ^{Protecting} ground and insulating guards extending for a distance of not less ^{wire.} than eight feet above any ground, platform or floor. If attached to buildings ground conductors shall be supported on insulators and must be protected by porcelain bushings through floors, partitions or walls.

(159) Main water or air lines may be used for grounds, ^{Character} _{of ground.} provided that connection is made at a point where pipe is not liable to disconnection for alteration or repairs. Main water or air lines may be substantially bound together for this purpose, but shall, unless connected to a buried piping system of considerable extent, be connected to an artificial ground.

(160) The ground connection to metallic piping systems ^{Method of} _{connection.} shall be made by sweating a ground wire into a lug attached to a suitable clamp and firmly bolting the clamp to the pipe, after all rust and scale have been removed, or by any other equivalent method.

(161) Artificial grounds shall be located, where practicable, ^{Artificial} _{grounds.} below the permanent moisture level, or failing this at least six feet deep. Each ground shall present not less than four square feet of surface to the exterior soil. Areas where ground water level is close to the surface shall be used where available.

(162) Ground conductors shall be run separately to the Where ^{separate} _{ground} ground (or to a sufficiently heavy grounding bus or system ground ground cable which is connected to ground at more than one ^{conductors} _{required.} place) from equipment and circuits of each of the following classes: (1) lightning arresters; (2) secondaries connected to low-voltage lighting or power circuits; (3) secondaries of

current and potential transformers and cases of instruments on these secondaries; (4) equipment operating in excess of 750 volts; (5) frames of utilization equipment or wire runways other than covered by item (4).

**Lightning
arrester
grounds.**

(163) Lightning arrester ground connections shall not be made to the same artificial ground (driven pipe or buried plate) as circuits or equipment, but shall be well spaced and, where practicable, at least 20 feet from other artificial grounds.

Working Space About Electrical Equipment.

**Utilization
equipment.**

(164)—(a) Suitable working space shall be provided and maintained about all electrical equipment. Where adjacent to exposed live parts such working spaces shall be so arranged that they will not be used as passageways. The working spaces shall, where practicable, have minimum horizontal dimensions, where adjacent to exposed live parts within 8 feet of the floor, as follows: (1) Parts above 150 volts to ground, if on one side 2.5 feet; if on two sides, 4 feet; (2) parts below 150 volts to ground, if on one side, 1.5 feet; if on two sides, 2.5 feet.

**Supply
station
equipment.**

(b) In supply station equipment the following clearances only need be maintained: (1) Parts from 300 up to 750 volts, if on one side, not less than 2.5 feet; if on two sides, not less than 3 feet; (2) parts above 750 volts, if on one side, not less than 3 feet; if on two sides, not less than 5 feet.

Guarding or Isolating Live Parts.

**Guarding
current-
carrying
parts.**

(165) In supply station equipment current-carrying parts shall be guarded unless they are maintained at the following distances above floors which may be occupied by persons:

Voltage of Conductors	Elevation in Feet.
300 to 750	7
750 to 2,500.....	7.5
2,500 to 7,500.....	8
7,500 to 30,000.....	9
30,000 to 70,000.....	10
70,000 to 100,000.....	12

**Guarding
current-
carrying
parts.**

(166)—(a) All exposed current-carrying parts of electrical equipment such as bus bars, conductors and terminals operating at over 150 volts and not isolated by elevation at least eight feet shall, where practicable, be provided with suitable permanent enclosures or other guards arranged so as to prevent persons or conducting objects from inadvertently coming (or being brought) in contact with the parts in question.

(b) Where the current-carrying parts at over 150 volts or in supply stations at over 300 volts, to ground must necessarily be exposed (unguarded) within eight feet, or in supply stations within the limits called for in rule 165, from the floor line all surrounding conducting floors shall be covered with suitable insulating platforms, mats or other insulating devices.

(c) Where the current-carrying parts operate at over 7,500 volts, inclosing or barrier guards shall always be provided, even when insulating mats are also provided.

Storage Batteries.

(167) Storage batteries in rooms used also for other purposes shall be adequately guarded or enclosed. Means shall be provided, if necessary, to prevent dangerous accumulation of inflammable gas. Batteries whose operating voltage exceeds 50 volts shall be installed in conformity with the general rules covering equipment.

Transformer Rules.

(168)—(a) Secondary circuits of current transformers shall be provided with means for short-circuiting them which can be readily connected while the primary is energized, and which are so arranged as to permit the removal of any instrument or other device from such circuits without opening the circuits.

(b) When primaries are above 7,500 volts secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact of persons, shall be in permanently grounded conduit.

(c) The low-voltage circuit of all instrument transformers shall be permanently grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers.

(169) Oil immersed transformers must not be attached to any building, other than a transformer house, not of fire-proof construction or mounted on or above combustible roofs, and if within a building other than a transformer house must be in a fireproof compartment suitably drained and ventilated to outdoors, the door openings to be provided with not less than six-inch non-combustible sills.

(170) Transformer stations must be at least fifty feet distant from other buildings if not entirely of fireproof construction, or if containing over fifty imperial gallons of oil.

Lightning Arrester Rules.

Inaccessible
to unauthorized
persons.

(171) If the operating voltage of the circuit exceeds 750, the lightning arresters shall be made inaccessible to unauthorized persons.

Location.

(172) Lightning arresters, when installed inside of buildings, shall be located as far as practicable from all other equipment and from combustible parts of the building.

Provisions
for dis-
connecting.

(173) Lightning arresters on circuits over 7,500 volts and all lightning arresters which may require work to be done upon them from time to time, shall be so arranged, isolated, and equipped that they may be readily disconnected from conductors to which they are connected by air-brake manual disconnectors.

Ground
wires

(174) Ground wires shall be run as directly as possible and be of low resistance and ample capacity. In no case shall ground wires be less than No. 6 copper wire. Ground conductors for lightning arresters shall not pass through iron or steel conduits unless electrically connected to both ends of such conduits.

Grounding
non-current
carrying
parts.

(175) All non-current carrying parts of the arresters shall be grounded, unless effectively isolated by elevation, or guarded as required for live parts of the voltage of the circuit to which the arrester is connected, and suitably identified as to that voltage.

Guarding
live parts

(176) All current-carrying parts of arresters on circuits above 750 volts, unless effectively isolated by elevation, shall be adequately guarded to protect persons from inadvertent contact with them, or from injury by arcing. Guarding shall comply with rules 166 and 179.

CONDUCTORS

Electrical
protection
of con-
ductors.

(177)—(a) Conductors shall be suitable for the location, use and voltage and each conductor (except neutral conductors, ground wires, and conductors of circuits, the opening of which may cause special hazard by interruption of service or removal of protection), shall be protected against excessive current by suitable automatic cut-out or by the design of the system.

Cut-outs
omitted.

(b) All conductors normally grounded for the protection of persons shall be arranged without automatic cut-outs interrupting their continuity between the sources of electrical supply and the point at which the ground wire is attached,

unless

unless the cut-out opens all the conductors of the system with one operation.

(178) All conductors where not protected by conduit or ^{Insulating} conductors, armouring must have approved insulation and must be mounted on cleats, porcelain knobs or insulators and must be separated from contact with floors, walls or partitions by tubes of incombustible insulating material.

(179) All fixed conductors operating at over 300 volts or ^{Isolating} conductors. in supply stations at over 750 volts unless isolated by an elevation of at least eight feet shall be enclosed in grounded metal conduit, grounded metal sheathing or shall be guarded by permanent screens or enclosures.

(180) Bare conductors shall be used only for switchboard, ^{Use of bare} conductors. panelboard storage-battery connections or for open wiring at voltages exceeding 2,400 volts in supply stations or for electrolytic low-voltage furnaces and similar connections, or for trolley wires and other contact conductors. Except at points where permanent ground connections are made such conductors within buildings shall be kept insulated from the ground.

(181) Temporary wiring and equipment, which is not in ^{Temporary} wiring. compliance with these rules, may be used, but only when under competent supervision, or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons.

FUSES, CUT-OUTS, SWITCHES AND CONTROLLERS.

(182) All switches, automatic cut-outs, controllers, starting rheostats, auto starters and other control devices shall be readily and safely accessible to authorized persons; they shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them, or whether they are open or closed. They shall be so installed, where practicable, that they cannot be closed by gravity and such switches as close by gravity shall be provided with a proper stopblock or latch to prevent accidental closing. ^{General requirement of switches.}

(183)—(a) Suitable switches shall be inserted in all circuit leads to generators, motors, transformers, storage batteries, ^{Switches required for equipment.} electric furnaces and similar equipment except between parts or pieces of apparatus intended to operate as a unit.

(b) Suitable switches shall be inserted in all feeder ^{Switches required in feeders.} conductors connecting utilization installations to service connections from either overhead or underground lines. These

switches

switches shall be readily accessible, and as close as practicable to the point of connection with the overhead or underground lines.

**Switches
for tem-
porary
wiring.**

(c) Switches or plug connectors shall be placed in all circuit leads at the point where temporary wiring or portable conductors are connected to the permanent wiring.

**Capacity
of switches.**

(184)—(a) Switches used otherwise than as disconnectors shall have a rated capacity such as to insure safe interruption, at the working voltage, of the greatest current which they will be required to carry continuously, and shall be marked with the current they can safely interrupt.

**Switches
have suffi-
cient rup-
turing
capacity.**

(b) All cut-outs, switches, circuit breakers and other apparatus used for opening or closing an electric circuit shall be of such design as to operate safely on the system from which the circuit is energized.

**Discon-
nectors.**

(c) Disconnectors shall be of suitable voltage and ampere rating for the circuit in which they are installed and shall be accessible only to qualified persons. They shall also be protected by signs warning against opening the switch while carrying current in excess of the safe opening limit.

**Locking or
blocking
switches.**

(d) Means shall be provided so that switches controlling apparatus can be locked or blocked in the open position or plainly tagged to prevent careless closing while work is being done on the equipment unless all live and moving parts of the equipment are in plain sight of the switch.

**Good con-
tact re-
quired on
switches.**

(e) Switches, controllers and rheostats shall be so constructed as to make and maintain good contact. Knife switches shall maintain such alignment under service conditions that they may be closed with a single unhesitating motion.

**When air-
break
switches
needed.**

(f) Unless a switch, operating on a circuit above 750 volts, makes an airbreak there shall, if equipment controlled by such switch requires adjustment or repairs while the conductors leading to such switch are still alive, be installed between it and the source of energy supply a suitable airbreak disconnector.

**Enclosing
live parts
of switches.**

(185)—(a) All manual switches over 150 volts to ground or in supply stations over 300 volts to ground shall have suitable casings or guards protecting the operator from danger of contact with current-carrying parts or being burned by arcing at the switch.

(b) All switches interrupting circuits over 750 volts shall be operated by means of remote control mechanism or be provided with suitable casings protecting the operator from danger of contact with current-carrying parts, except as provided in clause *d* of this rule. The control device for switches shall indicate whether the switches are open or closed.

(c) Switches shall, if practicable, be so connected that switch blades will not be alive when in the open position.

(d) Where switches, disconnectors, and fuses above 750 volts are ordinarily guarded by covers or enclosed in separate rooms, but must occasionally be operated without such protection, either by removal of the covers or by entrance into the rooms, adequate working space shall be provided about the live parts, so that the operator will not be required to bring any part of his body within the following horizontal distances:

Voltage of parts.	Distance in feet.
750 to 7,500.....	1
7,500 to 30,000.....	2
30,000 to 50,000.....	3
50,000 to 70,000.....	4
70,000 to 100,000.....	5

(186)—(a) On circuits up to 300 volts to ground, where fusible cut-outs are not so arranged that they are necessarily disconnected from all sources of electrical energy before the ungrounded current-carrying parts can be touched, switches shall always be so placed or arranged that opening them will disconnect the fuses from all sources of electrical energy.

(b) Fusible cut-outs above 300 volts to ground shall be in a cabinet or otherwise made inaccessible to all authorized persons, and switches shall be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy.

(c) All fusible cut-outs shall be installed in approved fireproof cabinets.

(d) The rated capacity of the fuses shall not exceed the allowable carrying capacity of the conductor.

Switchboard.

(187)—(a) Switchboards and panelboards shall have all switches arranged so that the means of control are readily accessible to the operator.

(b)

Instruments, etc., to be convenient for operation.

(b) Instruments, relays, or other devices requiring reading or adjustment shall be so placed that the work can be readily performed from the working space provided.

Location and lighting of switchboards.

(188) Switchboards shall, where practicable, be so placed that the person operating them will not be endangered by machinery or equipment located near the board. Means for adequate illumination shall be provided.

Protecting against short circuiting on switchboards.

(189) Exposed bare parts of different potentials on any switchboard or panelboard shall be as few as practicable and these shall be effectively separated.

Guarding current-carrying parts of switchboards.

(190)—(a) All switchboards and panelboards having exposed current-carrying parts operating at over 150 volts to ground shall, when practicable, be suitably encased in locked cabinets, screens, or rooms, or other enclosures to make them inaccessible to other than authorized operators. Conducting floors about such boards, and in supply stations about boards having equipment operating at over 300 volts to ground, shall be provided with suitable insulating platforms or mats so placed that no person can inadvertently touch live parts unless standing on the insulating platform or mats.

Switchboards below 150 volts accessible to unauthorized persons.

(b) Where switchboards or panelboards at voltages below 150 to ground are accessible to other than authorized operators, they shall, where practicable, be enclosed in cabinets or screens as an effective precaution against accidental short circuit at times when no operation of the board necessitates the opening of the cabinet or screen.

Motor Control Devices.

Motor control devices.

(191)—(a) Manually controlled starters for all D.C. motors and for all A.C. motors over 5 h.p. shall be so designed and the circuits so arranged that they return automatically to the "off" position upon the failure of the energy supply, except where the motors and their starting devices are, during operation, under the supervision of qualified persons and equivalent protection is otherwise provided.

Protecting motors against overload.

(b) Each motor shall be protected against excessive overload current by cut-out or automatic circuit breaker, and overload device should interrupt the circuit at fifty per centum over normal motor-current rating. An auto starter which disconnects all wires of the circuit automatically under overload when in the running position may be used as circuit breaker.

Illuminating Supply Stations.

(192)—(a) Rooms and spaces shall have good artificial illumination. Arrangement of permanent fixtures and plug receptacles shall be such that the portable cords need not be brought into dangerous proximity to live electrical apparatus. All lamps shall be arranged to be controlled, replaced, or trimmed from readily accessible places.

(b) A separate emergency source of illumination, from an independent generator, storage battery, lanterns or other suitable source, shall be provided in every station where an attendant is located.

Fire Fighting Appliances.

(193) Each room or space where an operator is in attendance shall be provided with an adequate approved fire extinguishing appliance, conveniently located and conspicuously marked. Any such appliance which has not been approved for use on live parts shall be plainly and conspicuously marked with a warning to that effect whenever placed in rooms containing exposed live parts over 300 volts to ground.

Powder Magazines and Thaws.

(194)—(a) All electric wiring in powder magazines and thaws shall be installed in rigid conduit with screwed, waterproof joints, and such conduit shall be permanently grounded.

(b) The switches and fuses for lighting, heating or telephone circuits for powder magazines or thaws shall be installed in a locked fireproof cabinet on the outside of the building. The fuses for power used shall be such that they will interrupt the current at twenty-five per centum over the normal load. Fuses for lighting circuits shall not exceed 10-ampere capacity.

(c) Where water is the medium used for distribution of electrically generated heat for powder thaws the radiation pipes must be permanently grounded. If wire or grid type heaters are used they shall be installed in a fireproof compartment or box, separate from the room in which explosives are thawed.

Lighting Fixtures.

(195)—(a) Electric fixtures, such as lamp sockets and lamp bases, plugs, receptacles, etc., shall be so installed that no current-carrying parts will normally be exposed externally

when

when these parts are within reach of grounded surfaces (see rule 166.) The high-temperature current-carrying parts of radiant heaters are exempted.

Portable lamps.

(b) Portable lamps shall not be connected to circuits operating at over 300 volts to ground.

Portable conductors exposed to injury.

(196)—(a) In locations where exposed to dampness or mechanical injury, portable conductors shall be of reinforced weatherproof cord, and, when necessary, armoured.

Style of portable lamps permitted.

(b) In locations where exposed to dampness or mechanical injury, portable lamps shall have their sockets enclosed in wood or composition handles, through which the conductor shall be carried, and shall have a substantial wire cage which encloses the lamp. A hook for hanging lamp shall be attached either to the cage or to the handle.

Trolleys and Portable Apparatus.

Guarding trolley or crane collector wires.

(197)—(a) Trolley or crane collector wires, whether indoors or out, shall, where practicable, be elevated at least eight feet above the rail level and be provided with suitable guards so arranged that persons cannot inadvertently touch the current-carrying parts while in contact with the ground or with conducting material connected to the ground.

Where trolley wires less than eight feet above rails.

(b) In tunnels or under bins or in similar locations where trolley wires are necessarily less than eight feet above the rail level, the operating voltage shall not exceed 300 and the wires shall be efficiently guarded to prevent accidental contact of person.

Portable and pendant conductors.

(198) Portable and pendant conductors shall not be installed or used on circuits operating at over 300 volts to ground, unless they are accessible only to persons authorized to approach them. In such cases they shall be of a type suitable to the voltage and conditions.

Cranes and Elevators.

Disconnections for cars and cranes.

(199)—(a) Readily accessible means shall be provided whereby all conductors and equipment located in or on cars or cranes can be disconnected entirely from the source of energy at a point as near as possible to the trolley or other current collector.

Switch needed on cars and cranes.

(b) A circuit breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the trolley wire.

Telephone Exposed by Supply Lines.

(200) Telephone or other signal apparatus which must be handled by persons and which is connected to overhead signal circuits exposed by supply lines over 400 volts to ground must be protected as follows:

- (1) By fuses and arresters.
- (2) All exposed non-current-carrying metal parts must be permanently grounded.
- (3) The apparatus shall be installed in such a way that a person using it will be obliged to stand on a suitably insulated platform, in a suitably insulated booth or on other insulating surfaces.

(201) Telephone or signal apparatus which is connected to a line which parallels a supply circuit of high voltage in such a manner as to be exposed to induced voltage shall be protected by transformers and shall comply with the requirements of Rule 200.

Transmission Lines.

(202) All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable.

(203) Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible, or shall be provided with guards so as to effectively isolate them from accidental contact by such persons.

(204) Where supply lines over 300 volts to ground are attached to any buildings for entrance they must be permanently guarded if accessible.

(205) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and clearances overhead as called for in the rules of the Board of Railway Commissioners of the Dominion of Canada. Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadway shall have ample clearance for the operating conditions and shall be substantially supported.

Underground.

Restrictions
on use of
motors
under-
ground.

(206) Except with the written permission of the Chief Inspector of Mines, who shall prescribe such conditions as he may deem fit:—

- (a) No motor over 750 volts to ground shall be used underground;
- (b) The voltage supply for electrical traction underground shall not exceed 300;
- (c) No electrical energy higher than 750 volts to ground shall be transmitted underground.

In under-
ground in-
stallations
switch to be
placed at
surface.

(207) Where electrical energy is taken underground provision shall be made that the current can be cut off, on the surface, close to the point where it is led underground. The cut-off switch or switches shall be situated in a separate locked building or compartment, and shall be accessible only to an authorized person or persons.

Conduits
required.

(208) All cables over 300 volts transmitting power underground shall be armoured or enclosed in standard conduit and substantially supported.

Conduits
or insula-
tors for
lighting
circuits.

(209) Wires carrying not over 300 volts to ground for lighting and signal circuits shall either be in standard conduits or casings, or suspended from and securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used.

Grounding
of casings.

(210) The armouring or casing of cables, mentioned in the two next preceding rules, shall be bonded together so as to be electrically continuous, and shall be connected at some point or points to a satisfactory ground.

Method of
grounding.

(211) All rules governing grounding of electrical apparatus in general work shall apply equally to underground work.

Precautions
to protect
signal and
telephone
wires.

(212) All proper precautions shall be taken to prevent electric signal or telephone wires, whether insulated or not, coming into contact with other electrical conductors.

Using
electricity
for firing
shots.

(213)—(a) Electricity from lighting or power cables shall not be used for firing shots, except when a special firing plug or switch is provided which plug or switch shall be placed in a fixed locked box, and shall only be accessible to the authorized shot firer.

(b)

(b) The firing cables or wires shall not be connected to this ^{Connection and disconnection.} box until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired.

(c) The firing cables or wires used for firing shots at one ^{Firing cables.} working place shall not be used for firing shots in another working place until all proper precautions have been taken to insure that such firing cables or wires have not any electrical connection with the leads from the first working place.

(214) When shot-firing cables or wires are used in the vicinity of power or lighting cables, sufficient precautions ^{Precautions in using shot-firing cables.} shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

Rules Governing Electric Hoists.

(215) All electric hoists fitted with mechanically operated brakes shall be so installed that:—

- (a) The mechanically operated brakes will be applied ^{Automatic brakes.} automatically the moment the power supply fails;
- (b) In case of a heavy overload, such as would be caused by the shaft conveyance leaving the rails or becoming jammed in the shaft, a circuit breaker will cut off the power and thus allow the mechanically operated brakes to come into play;
- (c) A suitable overwind device, which can be set to ^{Overwind device.} engage shaft conveyance at any point in the head-frame, will cut off the current, in case of an overwind past this point, and thus allow the mechanically operated brakes to come into play. In default of a device of this nature the hoist shall be equipped with some other form of satisfactory and dependable overwind device. Such devices shall be tested out by the hoist man at least once a shift;
- (d) The brakes shall, on failure of the power supply, be put into play by mechanical means, preferably ^{Brakes operated by mechanical means.} gravity, and shall in no case be operated by an auxiliary electric current.

(216) When the Inspector has cause to believe that the shaft conveyance operated by any electric hoist is being over-loaded he shall have the power to order a test to be made.

Exemptions

Exemptions.

*Continuing
use of
certain
appliances.*

(217) Notwithstanding anything contained in these rules, any electrical plant or apparatus installed or in use, on or before the 1st day of January, 1920, may be continued in use, unless the Chief Inspector shall otherwise direct.

*Wilful
damage.*

(218) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, electrical equipment or other appliance or thing provided in any mine in compliance with this Act.

General.

*Persons
under the
influence of
or carrying
liquor.*

(219) No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion.

*Duty of
officials to
know
Mining
Act.*

(220) It shall be the duty of every manager, superintendent, mine captain, shift boss and every person in charge of workmen, explosives, machinery or electrical apparatus in or about a mine to know such of these rules as affect the work in which he is engaged.

*General
duty as to
use and care.*

(221) There shall always be enforced and observed by the owner and the agent of a mine, and by every manager, superintendent, contractor, captain, foreman, workman and other person engaged in or about the mine, such care and precaution for the avoidance of accident or injury to any person in or about the mine as the particular circumstances of the case require; and the machinery, plant, appliances and equipment and the manner of carrying on operations shall always, so far as can be foreseen, conform to the strictest considerations of safety.

*Abstract of
rules to be
posted.*

(222) An abstract of the rules and regulations contained in this Act, authorized by the Chief Inspector of Mines, shall be posted up in suitable places at the mine or works where the same can be conveniently read and the owner or agent of the mine shall maintain such abstract, duly posted, and the removal or destruction of the same shall be an offence against this Act. 1919, c. 12, s. 13. *Part.*

PAYMENT OF WAGES.

164.—(1) No wages shall be paid to any person employed in or about any mine to which this Part applies at or within any tavern, shop or place where spirits, wine, beer or other spirituous or fermented liquors are sold or kept for sale, or within any office, garden, or place belonging or contiguous thereto or occupied therewith.

(2) Every person who contravenes or permits any person to contravene this section shall be guilty of an offence against this Act, and in the event of any such contravention by any person whomsoever the owner and agent of the mine in respect of which the wages were paid shall also each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this section. 1919, c. 12, s. 13. *Part.*

165. Notwithstanding any agreement to the contrary, every person who performs labour for wages in connection with any mine, mining claim, mining lands, or works connected therewith, shall be paid such wages not less frequently than twice a month. 1916, c. 12, s. 4; 1921, c. 16, s. 16.

Payment
of wages
at mines or
on mining
works.

SALE OF LIQUOR PROHIBITED.

166. Except in a city, town or village no shop or store for the sale of intoxicating liquor, as defined by any Act for the prohibition or control of the sale or consumption of intoxicating liquor, shall be opened or maintained within six miles of any mine or mining camp where six or more workmen are employed. See R.S.O. 1914, c. 32, s. 184.

Sale of in-
toxicating
liquor pro-
hibited
within six
miles of
certain
mines.

DAMAGING OTHER CLAIMS.

167. In mining operations no person or company shall, without right or authority, cause damage or injury to the holder of any other mining property by throwing earth, clay, stones, or mining material thereon, or by causing or allowing water which may be pumped or bailed or which may flow from a mining claim or other mining property of such person, to flow into or upon such other mining property, and the offender in addition to any civil liability shall incur a penalty of not more than \$10 for every day such damage or injury continues, and in default of payment of the penalty and costs, may be imprisoned for any period not exceeding one month. 1919, c. 12, s. 13. *Part.*

Licenses
not to dam-
age other
claims.

PARTY WALL.

Party walls,
thickness of.

168.—(1) Unless the owners agree to dispense therewith, in all mining operations there shall be left between all adjoining properties a party wall at least fifteen feet thick (being seven and one-half feet on each property), to the use of which the adjoining owners shall be entitled in common.

Use in
common.

(2) The owners shall be entitled to use such party wall in common as roadway for all purposes, and such roadway shall not be obstructed by the throwing of soil, rock or other material thereon, or in any other way, and any person obstructing the same in addition to any civil liability shall incur a penalty of not more than \$10 for every day such obstruction continues.

Dispensing
with.

(3) Any such adjoining owners may, in any case, apply to the Judge, who may make an order dispensing with such party wall or roadway, or providing for the working of any material therein, or otherwise, as he may deem just. 1919, c. 12, s. 13. *Part.*

NOTICE OF ACCIDENTS.

Accidents
causing
death—
notice of.

169.—(1) Where, in or about any mine, whether above or below ground, any accident occurs which causes loss of life to any person employed in or about the mine, the owner, agent, manager or superintendent of the mine shall immediately notify, by telephone or telegraph, the Deputy Minister.

Notice of
serious
injury.

(2) Where, in or about any mine, whether above or below ground, any accident occurs which causes fracture or dislocation of any of the bones of the body, or any other serious personal injury, to any person employed in or about the mine, the owner, agent, manager or superintendent of the mine shall within three days next after the accident send notice in writing to the Inspector of Mines resident in that district on the form prescribed for such purpose.

"Serious
personal
injury."
meaning of.

(3) "Serious personal injury" shall mean such an injury as in the opinion of the attending physician may result in the injured person being incapacitated for work for at least seven days.

Accidents

(4) Where in or about any mine;

Over-
winding.

(a) any case of overwinding a skip or cage;

Breakage
in cables.

(b) any breakage of a rope or cable used for hoisting;

Inrush of
water.

(c) any inrush of water from old workings or otherwise;

(d)

- (d) any outbreak of fire below ground; or
Fire below ground.
(e) any premature or unexpected explosion
Explosions.

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager, or superintendent shall, within twenty-four hours next after the occurrence, send notice in writing to the Inspector resident in the district and shall furnish such particulars in respect thereof as may assist the Inspector in making inquiry into the circumstances. 1919, c. 12, s. 13. *Part.*

Notice to
Inspector.

- 170.** Where mining operations have been commenced upon any mine, claim, location or works or where such operations have been discontinued, or where such operations have been recommenced after an abandonment or discontinuance for a period exceeding two months, or where any change is made in the name of a mine or in the name of the owner or agent thereof, or in the officers of any incorporated company which is the owner thereof, the owner or agent of such mine, claim, location or works shall give notice thereof to the Deputy Minister within two months after such abandonment, discontinuance, recommencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act. 1919, c. 12, s. 13. *Part*.

STATISTICAL RETURNS.

- 171.**—(1) For the purpose of their tabulation under the instructions of the Minister the owner or agent of every mine, quarry or other works to which this Act applies shall, on or before the 15th day of January in every year, send to the Department a correct return for the year which ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year, the quantity in standard weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister may by regulation prescribe.

- (2) The owner or agent of every metalliferous mine shall, monthly or quarterly, if required, make a similar return for the month or quarter returns at the end of each month or quarter of the calendar year.

- (3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any

return

return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. 1919, c. 12, s. 13. *Part.*

PLANS OF WORKING.

Plans to be produced on inspection of mine.

172.—(1) On any examination or inspection of a mine the owner shall, if required, produce to the Inspector, or to any other person authorized by the Minister or Deputy Minister an accurate plan and sections of the workings of the same.

Marking subsequent progress on plan.

(2) The plan and sections shall show the workings of the mine up to within six months of the time of the examination or inspection, and the owner shall, if required by the Inspector or other authorized person, cause to be marked on the plan the progress of the workings of the mine up to the time of the examination or inspection, and shall also permit him to take a copy or tracing thereof.

Plan of working mines to be filed.

(3) An accurate plan on a scale of not more than 50 feet to the inch of every working mine in which levels, crosscuts or other openings have been driven from any shaft, adit or tunnel, and of every mine consisting of a tunnel or shaft fifty feet or more in length shall be made and a certified copy filed in the Department on or before the 31st day of January in each year, showing the workings of the mine up to and including the 31st day of December next preceding.

Plans to be filed before abandonment.

(4) Before a mine or any part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections shall be brought up to date and a certified copy filed in the Department.

Failure to furnish plans.

(5) Failure on the part of the owner or agent of the mine to comply with any provision of this section shall be an offence against this Act.

Plans to be treated as confidential.

(6) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine.

Penalty.

(7) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. 1919, c. 12, s. 13. *Part.*

POWERS AND DUTIES OF INSPECTOR.

173.—(1) It shall be the duty of every Inspector, and he ^{Powers of Inspector.} shall have power,—

- (a) to make such examination and inquiry as he may ^{Inquiries as to compliance with Act.} deem necessary to ascertain whether the provisions of this Act are complied with;
- (b) to enter, inspect and examine any mine and every ^{Inspection.} portion thereof at all reasonable times by day or night, but so as not to unnecessarily impede or obstruct the working of the mine;
- (c) to examine into and make inquiry respecting the ^{Examination as to matters affecting health and safety of employees.} state and condition of any mine, or any portion thereof, and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice to be dangerous or defective or contrary to the provisions of this Act, and to require the same to be remedied within the time named in such notice;
- (d) to order the immediate cessation of work in and the ^{Stopping work when mine unsafe.} departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary;
- (e) to exercise such other powers as may be necessary ^{General powers for protection of miners.} for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works.

(2) It shall be the duty of every inspector to make an ^{Annual report.} annual report of his proceedings during the preceding year to the Deputy Minister.

(3) The annual report shall be laid before the Assembly. ^{Report to be laid before Assembly.} R.S.O. 1914, c. 32, s. 172.

174.—(1) The Minister may direct an Inspector to make ^{Special report.} a special report with respect to any accident in or about any mine which has caused loss of life or personal injury to any person.

Inspectors
may take
evidence.

(2) In conducting the inquiry the Inspector shall have power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. R.S.O. 1914, c. 32, s. 173.

Offences
against
Part VIII.

175. Noncompliance with any rule contained in section 163 or with any other provision of Part VIII shall be an offence against Part VIII of this Act, of which the owner and the agent of the mine and every manager, superintendent, captain, foreman, workman and other person engaged in or about the mine shall each be guilty. R.S.O. 1914, c. 32, s. 174.

Liability of
contractors
and sub-
contractors.

176. Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the rules and provisions of Part VIII, and shall in any case of noncompliance therewith be guilty of an offence and punishable in like manner as if he were owner or agent. R.S.O. 1914, c. 32, s. 175.

PART IX.—OFFENCES, PENALTIES AND PROSECUTIONS.

177. Every person who,—

Description
of offences.

- (a) prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with the provisions of this Act; or
- (b) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made under this Act; or
- (c) wilfully pulls down, injures or defaces any rules, or notice posted up by the owner or agent of a mine; or
- (d) wilfully obstructs the Judge or any officer appointed under this Act, in the execution of his duty; or
- (e) being the owner or agent of a mine refuses or neglects to furnish to the Judge or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or enquiry in relation to any mine, under the provisions of this Act other than Part VIII; or
- (f) unlawfully marks or stakes out in whole or in part a mining claim, a quarry claim, or a placer mining

claim

claim, or an area for a working permit or boring permit; or

- (g) wilfully acts in contravention of the provisions of this Act other than Part VIII in any particular not hereinbefore set forth; or
- (h) wilfully contravenes any provision of this Act or any rule or regulation made thereunder for the contravention of which no other penalty is provided; or
- (i) attempts to do any of the acts mentioned in the foregoing clauses,—

shall be guilty of an offence against this Act and shall incur a ^{Penalty.} penalty not exceeding \$20 for every day upon which such offence occurs or continues. R.S.O. 1914, c. 32, s. 176.

178. Every person who wilfully neglects or refuses to Disobeying obey any order or award of the Judge, except for the ^{order or award of} payment of money, shall, in addition to any other liability, incur a penalty not exceeding \$250, and upon conviction thereof shall be liable to imprisonment for a period not exceeding six months unless such penalty and costs are sooner paid. R.S.O. 1914, c. 32, s. 177.

179.—(1) No person who,—

<sup>Use of word
"Bureau"
prohibited</sup>

- (a) carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company; or
- (b) acts as broker or agent in or for the disposal of any mines, mining claims, mining lands, or mining rights, or of any such shares, stock or bonds; or
- (c) offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

(2) Every person who contravenes the provisions of this section shall incur a penalty of not more than \$20 for every day upon which such offence occurs or continues. R.S.O. 1914, c. 32, s. 178.

180.—(1) Every owner, agent, manager, superintendent, or captain who is guilty of an offence against Part VIII shall incur a penalty of not less than \$100 nor more than \$1,000. <sup>Liability of
owner or
agent offend-
ing against
Part VIII.</sup>

Other person so offending. (2) Every person, other than an owner, agent, manager, superintendent or captain, engaged or employed in or about a mine who is guilty of an offence against Part VIII shall incur a penalty of not less than \$10 or more than \$100.

Additional penalty for continuing offence. (3) Where the Deputy Minister or an inspector has given written notice to an owner or agent or any person engaged or employed in or about a mine that an offence has been committed against Part VIII, such owner or agent or other person shall incur a further penalty not exceeding \$100 for every day upon which the offence continues after such notice.

Imprisonment in default of payment of penalties. (4) Every such owner or agent shall upon conviction be liable to imprisonment for a period not exceeding three months unless the penalty and costs are sooner paid, and every person other than an owner or agent so employed shall upon conviction be liable to imprisonment for a period not exceeding one month unless the penalty and costs are sooner paid.

Imprisonment of offender against Part VIII in certain cases. (5) Where the offence is one which might have endangered the safety of those employed in or about the mine or caused serious personal injury or dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part VIII shall, in addition to or in substitution for any pecuniary penalty that may be imposed, be liable to imprisonment with or without hard labour for a period not exceeding three months. R.S.O. 1914, c. 32, s. 179.

Instituting prosecutions for offence against Part VIII. **181.**—(1) No prosecution shall be instituted for an offence against Part VIII or any regulation made in pursuance thereof except

- (a) by an Inspector; or
- (b) by the direction of the county or district Crown attorney; or
- (c) by the leave in writing of the Attorney-General;

For offences against other provisions. or for an offence against any other of the provisions of this Act or of any rule or regulation made in pursuance thereof, except

- (a) by or by leave of the Mining Court or a recorder;
- (b) by leave of the Attorney-General; or
- (c) by direction of the county or district Crown attorney;

No person not being the actual offender, shall be liable in respect of such offence if he proves that he did not participate in the contravention of the rule or provision for a breach of which he is charged and that he was not to blame for such breach and that according to his position and authority he took all reasonable means in his power to prevent such breach and to secure compliance with the rules and provisions of Part VIII.

(2) The burden of showing that the observance or carrying out of any rule contained in section 163 was not deemed by the Inspector to be reasonably practicable, shall be upon the accused, but it may be proved by a certificate from the Inspector or by his evidence given at the hearing. R.S.O. 1914, c. 32, s. 180.

182.—(1) Except as to offences against section 16 every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a police magistrate or a justice of the peace having jurisdiction in the county or district in which the offence is committed, or before the Mining Court or a recorder, and save as herein otherwise provided, the provisions of *The Ontario Summary Convictions Act, 1926*, shall apply to every such prosecution. 1926, c. 31.

(2) The prosecution shall be commenced within six months after the commission of the offence. R.S.O. 1914, c. 32, s. 181.

PART X.—GENERAL PROVISIONS.

LIEN FOR WAGES.

183. (1) Save as herein provided the provisions of *The Application of 1923, c. 30. Mechanics' and Wage Earners' Lien Act, 1923*, shall apply to mines, mining claims, mining lands and works connected therewith.

(2) If the land and mining rights have not been patented the registration provided in the Act shall be in the office of the recorder. Registration where lands and mining rights have not been patented.

(3) When the claim is for wages in connection with a mine mining claim, mining lands, or works connected therewith in addition to the rights and remedies afforded by *The Mechanics' and Wage Earners' Lien Act, 1923*, the claimant shall have a lien upon any other property of the owner in or on the said mine, mining claim, mining land or works, for a sum not exceeding thirty days' wages, and this claim may be enforced under the provisions of the said Act. Lien where claim for wages.

Cancellation of claim. (4) When the Judge is satisfied that any claim for lien recorded as provided in this section is not made in good faith or is made for some improper purpose or when the owner is unduly embarrassed thereby, he may make an order cancelling the same upon such terms as to security or otherwise as he may deem proper.

Lien on unpatented lands not to affect rights of Crown. (5) A lien upon unpatented lands shall not affect the right of the Crown. *New.*

PRESERVATION OF PEACE.

Powers of Lieutenant-Governor in Council.
Rev. Stat., (1914) c. 36.

184. The Lieutenant-Governor in Council may declare by proclamation that *The Public Works Peace Preservation Act* shall be in force in any mining division or in any defined locality therein, and upon and after the date named in any such proclamation section 2 and sections 4 to 11 inclusive of that Act, shall take effect within the mining division or locality designated in the proclamation, and the provisions of the said Act shall apply to all persons employed in any mine or in mining within the limits of such mining division or locality in the same manner and to the same extent as nearly as may be as if the persons so employed had been specially mentioned and referred to in such Act. R.S.O. 1914, c. 32, s. 185; 1914, c. 2, sched. (14).

EXPLORATORY DRILLING.

Purchase of drills for prospecting purposes.

185. The Minister may, out of any money appropriated for the purpose, purchase such diamond drills as he may deem necessary for use in prospecting for ores or minerals under rules and regulations made by the Lieutenant-Governor in Council, which may provide,—

- (a) for the control and working of the drills under the direction of a person employed for the purpose by the Department;
- (b) for the payment of freight charges where the drills are used upon mines or land other than those owned by the Crown;
- (c) as to applications for use of the drills and the method of dealing therewith;
- (d) as to charges for use of the drills and for damages thereto, or wear and tear connected therewith,

and otherwise as to the Lieutenant-Governor in Council shall seem proper. R.S.O. 1914, c. 32, s. 186.

186. The Minister may, out of any moneys appropriated for the purpose, acquire and construct, and under rules and regulations made by the Lieutenant-Governor in Council, may operate works for the sampling and testing of ores of the precious metals, or works for the recovery of such metals, and may purchase and treat such ores or procure their treatment for the recovery of their contents, or for the purpose of determining the best and most efficient method or methods of such recovery, and the rules and regulations may provide for,—

- (a) the management and operation of such works by persons employed for the purpose by the Department;
- (b) the payment of freight charges upon ores and other material shipped to or from such works and all other necessary costs;
- (c) the charges to be paid for assaying, testing and treating such ores, and the making of deductions from the assay value thereof for losses in treatment;
- (d) the payment of the price of ores purchased and the time and method of such payment;
- (e) such other purposes as to the Lieutenant-Governor in Council may seem proper. 1922, c. 22, s. 23.

RIGHTS AND EASEMENTS.

187.—(1) Where required for or in connection with the proper working of a mine, mill for treating ore, or quarry, the owner, lessee or holder of it or the person entitled to work the same, may, subject as hereinafter provided, obtain and have vested in him by order or judgment of the Judge made after hearing such parties interested as may appear, or on appeal from him,—

- (a) the right to open, construct, put in, maintain and use ditches, tunnels, adits, pipes, conduits, flumes, etc., and other works through, over or upon any land for the drainage, conveyance or passage of water;
- (b) the right to discharge water upon any land or by through or into any existing means of drainage, lands. whether natural or artificial;
- (c) the right to drain off, lower or divert the water of any lake, pond, river, stream or watercourse, or any other water, notwithstanding that the same or part thereof

thereof may be on the land of or owned by any other person or that any other person may have rights or interests in or to such water or the use thereof;

Storage
water—
flooding.

- (d) the right to collect and dam back water, notwithstanding that it may overflow other land;

Right to
take water.

- (e) the right to take or divert and use for or in connection with the working of his own mine or quarry and bring thereto for such use any specified water, and to construct and maintain dams and other works and do all other things necessary or convenient therefor;

Rights of
way for
roads, tram-
ways, aerial
tramways,
etc.

- (f) rights of way or passage through or over any land or water, and the right to construct, improve, maintain and use suitable roads, tramways, aerial tramways, channels, waterways, passages and other means of transit and transportation upon, through or over any land or water, together with such other rights of entry upon and use of land and water as may be necessary or convenient therefor;

Transmission
of
electricity.

- (g) the right to transmit electricity or any other kind of power, or have it transmitted, through or over any land or water in any form or manner and to do everything necessary or convenient therefor;

Entering
upon and
using other
lands.

- (h) the right to enter upon and use for or in connection with the working of his own mine or quarry a specified area of other land;

Depositing
tailings
and waste.

- (i) the right to deposit tailings, slimes or other waste products upon any land, or to discharge the same into any water, the effect of such deposit or discharge not being injurious to life or health.

Compensa-
tion.

- (2) No such right shall be granted unless any injury or damage caused to any other person thereby can be adequately compensated for, nor unless in all the circumstances it seems reasonable and fitting to grant the same; and in the exercise of any right so granted no unnecessary injury or damage shall be done to the land, property, rights, or interests of other persons, and all injury and damage which may be caused to any person by the granting and exercise of any right obtained under this section shall be fully compensated for.

How fixed.

- (3) The order or judgment granting the right shall fix such compensation, or shall provide for the ascertainment thereof

and shall contain any provisions that may be deemed proper for securing the same and for protecting the rights and interests of any person whose land, property, rights or interests are affected or endangered, and if deemed proper may require the applicant to make grants or concessions to or construct works or do any other thing for, or for the benefit of, any such person or his land or property, and such order or award may in all cases be upon such terms and may grant the right upon such conditions and for such time as may be deemed meet.

.4) In every application for such an order or judgment the applicant, in addition to anything else required or directed, shall file in duplicate with the Mining Court a clear and precise statement of the right or rights being applied for, of the land or property affected, and the owner or owners thereof so far as the same can be ascertained, a map or plan of the locality showing the land and water involved, and definite and detailed plans and specifications of the works or things proposed to be constructed or done; and for the purpose of preparing the same the Mining Court may authorize the applicant, his engineers and assistants, to enter upon the land of any other person and make such examinations and measurements as may be necessary, and such statement, map or plan, and plans and specifications may, by order be amended or altered or modified at any stage of the proceedings. The Judge may give directions as to the notice to be given to the parties interested, the time and manner of service, and the particulars to be furnished to such parties respectively.

.5) All rights and benefits, and burdens and obligations, created under this section shall run with and be appurtenant and incident to the mine, quarry, mining lands, mining rights and the other land, property, rights and interests in respect of which they are created.

.6) This section shall apply to and against patented, as well as unpatented land, rights and interests, whether owned or held by a corporation or company or a mining or other partnership or by a private person, but nothing contained therein or done thereunder shall, without the consent of the Minister, affect any Crown lands or any public interest.

(7) The Judge for good cause shown and on such terms as may seem just, may by subsequent order or award at any time change, supplement, alter, vary or rescind any order or award made under the authority of this section.

Rights not to be exercised until after expiration of time for appeal.

Offence and penalty.

(8) Rights granted under this section shall not be exercised until the time for appealing from the order or award granting the same has expired, or, where an appeal is entered, until the appeal is disposed of, but from and after such time, subject to any restriction or postponement provided for in the order or award, the person to whom any such right is granted may enter upon any land or property and exercise the right so granted, and any person who after such time obstructs the exercise of any such right or wilfully neglects or refuses to obey any order or award made under this section shall be guilty of an offence against this Act, and, in addition to any other liability, shall incur a penalty not exceeding \$250, for each day such obstruction, neglect or refusal continues. R.S.O. 1914, c. 32, s. 187.

REGULATIONS BY ORDER IN COUNCIL.

Lieutenant-Governor in Council may make regulations to carry out provisions of Act.

188.—(1) The Lieutenant-Governor in Council may make such rules and regulations as he may deem necessary for carrying out the provisions of this Act or to meet cases which may arise for which no provision is made in the Act, or when he deems the provision made to be ambiguous or doubtful, and may impose penalties not exceeding \$200 or not exceeding three months' imprisonment for the violation of any such rule or regulation.

Regulations as to making roads, ditches, etc.

(2) The Lieutenant-Governor in Council may make such regulations as he may deem necessary for the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through, over or upon such claims, locations or land for the conveying and passage of water for mining purposes.

Regulations to be published in the Ontario Gazette and laid before Assembly.

(3) Rules and regulations made under the provisions of this section shall have force and effect only after the same shall have been published in the *Ontario Gazette*, and if made when the Assembly is sitting shall be laid before the Assembly during the then session, and if made at any other time shall be laid before the Assembly within the first fifteen days of the session next after the date thereof, and in case the Assembly at such session, or if the session does not continue for three weeks after such rules or regulations are laid before the Assembly, at the ensuing session, disapproves by resolution of such rule or regulation either wholly or in part, the rule or regulation, so far as the same is disapproved, shall have no effect from the time such resolution is passed. R.S.O. 1914, c. 32, s. 188.

189. With the consent of the Lieutenant-Governor in Council, and on such terms as he may see fit, any company authorized to supply electrical power or energy or compressed air or both may from time to time construct, maintain, and operate transmission lines, air pipe lines, sub-stations and other conveniences for the transmission of electrical power or energy or compressed air, or both, in and through any mining division, and for any of such purposes may enter upon, take and use any mining lands or any privilege or easement required by such company for such purposes without the consent of the owner thereof, but subject to the payment of such compensation or annual rent for the privilege or easement required and authorized, as may be determined by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may from time to time revoke or vary the terms upon which any right conferred under the authority of this section may be exercised. R.S.O. 1914, c. 32, s. 189.

FEES.

190. Fees shall be payable under this Act according to the tariff in the Schedule hereto, and except as otherwise mentioned shall be for the use of Ontario. R.S.O. 1914, c. 32, s. 190.

ON CANCELLATION OF PATENT, LANDS AND RIGHTS TO REVEST
IN CROWN.

191. Whenever a patent or lease of mining lands or mining rights is by proceedings in the Supreme Court at the instance of the Crown repealed or avoided, such lands and mining rights shall thereupon become and be withdrawn from exploration, discovery, staking out, lease, or sale; and every discovery upon and claim to such lands or mining rights and to the mines or minerals on, in or under such lands made or existing at any time before the repeal or avoidance of the patent or lease shall become and be absolutely null and void; and such lands, mining rights, mines and minerals shall be thenceforth vested in the Crown freed and discharged of and from every claim. R.S.O. 1914, c. 32, s. 191.

DEFAULT OF LESSEE UNDER MINES ACT, 1897.

192.—(1) If default is made by the lessee of a mining location leased under the authority of *The Mines Act*, chapter 36 of the Revised Statutes of Ontario, 1897, *The Mining Act of Ontario*, chapter 32 of the Revised Statutes of Ontario, 1914, or any regulations providing for the leasing of mining lands, in the payment of rent the lease shall be forfeited, but the lessee may defeat the forfeiture by payment of the

full amount of rent within ninety days from the day when the same became payable; and in default thereof the lease shall be absolutely forfeited and void, any statute or law to the contrary notwithstanding, and all claims of the lessee or his assigns shall from and after such period forever cease and determine. R.S.O. 1914, c. 32, s. 192; 1922, c. 22, s. 24.

Notice before declaration of forfeiture.

(2) Where the Minister finds that no proof has been submitted that the expenditure for work upon the lands leased has been made, the Minister by registered letter directed to the lessee or his assignee at his last known address as recorded in the Department, may call upon the lessee or his assignee to submit such proof by way of affidavit or otherwise within any period not less than thirty days named in the letter, and if after the expiration of such period such proof has not been submitted the Minister may by notice in the *Ontario Gazette* declare such lands to be forfeited and void and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined and the land included in such lease shall be re-vested in the Crown freed and discharged from every claim.

Default by one of several co-owners or co-lessees.

193.—(1) Upon the failure of any one or more of several co-owners or co-lessees of a location to contribute his or their proportion of the expenditures or of the rental necessary to hold such location, the judge, upon application of the co-owner or co-owners or co-lessee or co-lessees who have performed the labour or made the improvements or paid the rent as required by the lease of the mining lands, may order any such delinquent co-owner or co-lessee, or in the case of his death, his personal representative, to make the necessary payment within six months from the date of such order or such further extension as the judge may upon application order.

Vesting order of delinquent co-owner's interest.

(2) The order may be served in such a manner as the Judge may direct, and if at the expiration of the period fixed by the order, or such further time as may have been ordered by the Judge, it appears to the Judge that payment has not been made in accordance therewith, the Judge may make an order vesting the interest of the delinquent co-owner or co-lessee in the co-owners or co-lessees who have made the expenditures and paid the rent.

Death of delinquent.

(3) Where any such delinquent co-owner or co-lessee has died either before or after default in respect of his share, and no person has taken out administration of his estate, or has obtained probate of his will, any order made under this section may be directed to and served upon his heirs. 1922, c. 22, s. 25.

(4) In this section "co-owner or co-owners and co-lessee or co-lessees" shall include "incorporated company and shareholder or shareholders therein," and in the case of a company, the order shall be directed to the company.

MINERAL RIGHTS UNDER ROADS.

194.—(1) The corporation of any county, or township in that part of Ontario lying south of the French River, Lake Nipissing and the River Mattawan wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon or under any roads over which the township or county has jurisdiction, if considered expedient so to do.

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering the by-law.

(3) The deed of conveyance, or lease to the purchaser or lessee under the by-law, shall contain a proviso protecting the road for public travel, and preventing any user of the granted rights which would interfere with public travel.

(4) In the remaining portions of Ontario the mines, minerals and mining rights in, on or under all common and public highways and road allowances shall be and are hereby vested in His Majesty, and may be sold, leased or otherwise disposed of under this Act. Where any mining location or mining lands adjoin a common and public highway or road allowance, and the mineral vein or deposit thereon extends into or under such highway or road allowance, the owner or owners thereof shall have the right to purchase or lease the mines, minerals and mining rights in, on or under the same, subject to the provisions of this Act, or where there are mining locations or mining lands on both sides of such highway or road allowance the said rights shall accrue to the owner or owners on both sides thereof as respects the half of such highway or road allowance adjoining his or their lands. This subsection shall not apply to highways on lands heretofore granted by the Crown under this Act, or in the grant whereof the mines and minerals were not reserved to the Crown.

(5) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any user of the granted rights which would interfere with public travel unless and until a road in lieu thereof has been provided and accepted by the municipal corporation having control of the road.

Previously
acquired
rights
preserved.

(6) Subsections 4 and 5 shall not affect any rights acquired from or any agreement made or entered into with any municipal corporation under this section prior to the 1st day of May, 1904. R.S.O. 1914, c. 32, s. 195.

SCHEDULE "A."

THE MINING ACT OF ONTARIO.

SCHEDULE OF FEES.

(*Section 190*)

1. For a miner's license or renewal thereof for an individual. (See sections 27, 190).....	\$ 5 00
2. For an individual miner's license issued on or after 1st October in any year. (See sections 27, 190).....	3 00
3. For a miner's license or renewal thereof for a mining partnership where not more than two partners. (See sections 27, 190).....	5 00
4. For a miner's license or renewal thereof for a mining partnership where more than two but not more than five partners. (See sections 27, 190).....	10 00
5. For a miner's license or renewal thereof for a mining partnership where more than five partners. (See sections 27, 190).....	20 00
6. For a miner's license or renewal thereof for a company where capital authorized by letters patent or license under <i>The Extra Provincial Corporations Act</i> does not exceed \$40,000. (See sections 27, 190).....	25 00
7. For a miner's license or renewal thereof for a company where capital authorized by letters patent or license under <i>The Extra Provincial Corporations Act</i> is over \$40,000, but not exceeding \$100,000. (See sections 27, 190).....	50 00
8. For a miner's license or renewal thereof for a company where capital authorized by letters patent or license under <i>The Extra Provincial Corporations Act</i> is over \$100,000, but not exceeding \$500,000. (See sections 27, 190).....	75 00
9. For a miner's license or renewal thereof for a company where capital authorized by letters patent or license under <i>The Extra Provincial Corporations Act</i> is over \$500,000, but not exceeding \$1,000,000. (See sections 27, 190).....	100 00
10. And for each additional \$1,000,000 or fraction thereof, (See sections 27, 190). Provided that in cases where the authorized capital of any such company is over \$1,000,000 and it is by affidavit of the president or secretary thereof proven to the satisfaction of the Minister or Deputy Minister that any part of such capital is actually being used in some other business enterprise and not in mining business within Ontario, such part may be deducted in fixing the license fees herein provided for.	100 00
11. Where the shares of a company have no par value the fee for a miner's license or renewal thereof shall be based on the actual value of the shares at the time of issue of the license or renewal as shown by affidavit of the president or secretary of the company, or as may be determined by the Minister, at the rate of \$100 for every million dollars so ascertained, but in no case shall the fee be less than.....	40 00
12. Whenever a miner's license for a mining partnership or for a company is issued on or after 1st October in any year, the fee shall be only one-half the amount above specified.	
13. For recording each claim or boring permit staked out by a licensee on his own license. (See sections 62, 190).....	5 00
14. For recording each claim or boring permit staked out by a licensee on behalf of another licensee. (See sections 62, 190)	10 00
15. For examining claim record book, per claim; fee to be for recorder's own use. (See sections 12, 190).....	10
16. For inspecting any document filed with a mining recorder; fee to be for recorder's own use. (See sections 13, 190) ..	10
	17.

17. For recording a dispute, per claim. (See sections 65, 190.)...	\$10 00
18. For certificate of record of claim. (See sections 67, 190.)...	1 00
19. For certificate of performance of working conditions. (See sections 82, 190.)...	1 00
20. On filing appeal from recorder's decision. (See sections 132, 190.)...	10 00
21. On filing appeal from Judge's decision. (See sections 149, 190.)...	20 00
22. For filing transfer or agreement to sell or transfer the whole or part of a mining claim, quarry claim, working permit or boring permit, power of attorney, revocation of power of attorney, copy of writ of execution, discharge of execution or any other instrument affecting any recorded claim, right or interest, per claim. (See sections 77, 112, 190.)...	2 00
23. For a "Substituted Miner's License." (See sections 32, 190.)	1 00
24. For special renewal license under section 90, to save forfeiture, twice the prescribed license fee.	
25. For filing report of work under section 90, to save forfeiture..	10 00
26. For certificate relieving from disqualification under section 60.....	20 00
27. For recording extension of time for performing working conditions or making application and payment for patent or lease per claim. (See sections 84, 90, 190.).....	1 00
28. For recording an order or judgment of the Judge, or made on appeal from him. (See sections 81, 190.).....	1 00
29. For recording a certificate that interest in claim or other recorded right or interest is called in question, per claim. (See sections 81, 190.).....	10 00
30. For filing certificate of mining partnership or certified copy thereof. (See sections 116, 190.).....	1 00
31. For recording certificate of revocation of agent and appointment of new agent for mining partnership. (See sections 116, 190.).....	1 00
32. For recording transfer of share or shares in a mining partnership. (See sections 116, 190.).....	25
33. For copies or certified copies of any document, paper or record obtained from any officer, per folio.....	10
34. Additional fee for the recorder's own use with every application for a mining claim or boring permit, including swearing the affidavit, if sworn before the recorder, and for every other affidavit sworn before a recorder.....	25
35. For abstract or copy of entries in record book respecting any mining claim, per folio (100 words) 10 cents, minimum charge per claim.....	25
36. For filing an application for a mining claim under section 66..	10 00

R.S.O. 1914, c. 32, Schedule; 1915, c. 13, ss. 9, 10, 11, 12; 1919, c. 12, s. 12; 1920, c. 13, s. 9 (a), (b). *Amended.*

SCHEDULE "B."

SCHEDULE OF REPEALED PROVISIONS.

- R.S.O. 1914, Chapter 32—The whole except subsection 1 of section 3, section 194 and the schedule of forms.
- 1914, Chapter 2—Schedule Item (11); Chapter 14—The whole.
- 1915, Chapter 13—The whole except section 4.
- 1916, Chapter 12—The whole except section 5.
- 1917, Chapter 11—The whole.
- 1918, Chapter 9—The whole.
- 1919, Chapter 12—The whole.
- 1920, Chapter 12—The whole except sections 2, 4 and 5, subsections 3 and 4 of section 8, clause f of section 9, and sections 12 and 13; Chapter 13—The whole except section 8.
- 1921, Chapter 16—The whole.
- 1922, Chapter 22—The whole.
- 1924, Chapter 18—The whole; Chapter 19—Section 6; Chapter 21—The whole except subsections 3 and 4 of section 5.
- 1925, Chapter 20—The whole.

CHAPTER 16.

An Act respecting the Temiskaming and Northern Ontario Railway.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Temiskaming and Northern Ontario Railway Act, 1927.*

Interpretation
"Commission."

2. In this Act "Commission" shall mean Temiskaming and Northern Ontario Railway Commission.

Board, how composed.

3.—(1) The body corporate heretofore established under *The Temiskaming and Northern Ontario Railway Act* is continued and shall be composed of not more than five nor less than three persons appointed by the Lieutenant-Governor in Council. R.S.O. 1914, c. 38, s. 2 (1).

Quorum.

(2) A majority of the members of the Commission shall form a quorum. R.S.O. 1914, c. 38, s. 2 (2).

Appointment of member of Executive Council.

(3) A member of the Executive Council without portfolio who is a member of the Assembly, may be appointed as one of the Commissioners, and notwithstanding anything contained in *The Legislative Assembly Act*, his election as a member of the Assembly shall not by reason of the payment to him of any salary or other remuneration under this Act, or the acceptance thereof, be avoided, nor shall he vacate or forfeit his seat or incur any of the penalties imposed by *The Legislative Assembly Act* for sitting and voting as a member of the Assembly. 1918, c. 20, s. 9.

Tenure of office.

4. Each of the Commissioners shall hold office during the pleasure of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council upon the death, resignation or removal from office of any Commissioner may appoint another person to fill the vacancy thereby created. See R.S.O. 1914, c. 38, s. 2 (3).

Chairman.

5. The Lieutenant-Governor in Council may from time to

time

time designate one of the Commissioners to be chairman of the Commission and one of the Commissioners to be vice-Chairman of the Commission. R.S.O. 1914, c. 38, s. 2 (4). *Amended.*

6.—(1) Each of the Commissioners shall receive his actual travelling expenses and other disbursements properly incurred in discharging his duties in addition to which the Chairman shall be paid the sum of \$10,000 per annum, and the Vice-Chairman the sum of \$4,000 per annum, and the other Commissioner, or each of the other Commissioners as the case may be, the sum of \$3,000 per annum. R.S.O. 1914, c. 38, s. 3 (1). *Amended.*

(2) This section shall have effect as from the 1st day of November, 1926.

7.—(1) The railways and branch lines heretofore constructed by the Commission and all other works constructed and used in connection therewith, and any other railways, branches and other works constructed by the Commission under the authority of this Act, shall be vested in the Commission for the purposes herein set forth.

(2) Subject to the approval and direction of the Lieutenant-Governor in Council, the Commission may,—

- (a) construct, equip, maintain and operate a line or lines of railway from the present northern terminus of the railway to some point on James Bay or the vicinity thereof;
- (b) construct, complete, equip, maintain and operate such spurs and branches from any of the lines of railway of the Commission as may be deemed necessary, not exceeding twenty miles in length in any one place, and may exercise the like powers with respect to such spurs and branches as it has exercised and may exercise with respect to any such lines;
- (c) construct, complete, equip, maintain and operate telephone and telegraph lines and with respect thereto shall have and exercise all the powers which may be exercised by a railway company under *The Ontario Railway Act* or by any general Act of the Legislature affecting railways for the time being in force, or by a telephone or telegraph company incorporated under the general laws of the Province of Ontario. See R.S.O. 1914, c. 38, s. 4.

8. The location of the lines of railway and other works of the Commission, and of the branches and the plans of all works proposed, and the by-laws of the Commission shall be subject to the approval of the Lieutenant-Governor in Council. R.S.O. 1914, c. 38, s. 5.

Tolls and fares.

9.—(1) The Commission may make regulations fixing the fares and tolls to be charged for all traffic carried upon the railway and with respect to any telephone or telegraph lines operated by the Commission as herein authorized.

Cancellation or amendment by Government.

(2) The regulations so made shall at all times be subject to cancellation or amendment at the direction of the Lieutenant-Governor in Council. R.S.O. 1914, c. 38, s. 6.

Agreement with railway companies.

10.—(1) Subject to the approval and direction of the Lieutenant-Governor in Council, the Commission may enter into an agreement with any railway company to provide and secure such reciprocal running powers, traffic arrangements and other rights over and in respect of the railway of such company and the railway constructed or to be constructed by the Commission as will afford to such company and to the Commission reasonable and proper facilities for mutually exercising such running powers, fair and reasonable traffic arrangements and equitable mileage rates between the Commission and such company. R.S.O. 1914, c. 38, s. 7 (1).

Approval of Assembly to lease of lines.

(2) No lease by the Commission of any of the lines of the railway shall have effect until approved of by resolution of the Assembly except a lease made with the approval of the Lieutenant-Governor in Council of a spur, branch or portion of line not exceeding ten miles in any one place. R.S.O. 1914, c. 38, s. 7 (2). *Amended.*

Existing agreements.

(3) The contracts and agreements heretofore entered into by the Commission shall have effect according to the terms thereof until altered or cancelled by consent of the parties thereto. R.S.O. 1914, c. 38, s. 7 (3). *Amended.*

Motive power.

11. Subject to the approval of the Lieutenant-Governor in Council, the Commission may operate the railway or any section thereof by electricity or by any other motive power. R.S.O. 1914, c. 38, s. 8.

Power houses, warehouses, elevators, docks, vessels, etc.

12.—(1) The Commission may purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, offices and any other works necessary for the exercise of the powers conferred upon the Commission and may sell and convey any such land as may from time to time be found superfluous for any such purpose. R.S.O. 1914, c. 38, s. 9 (1). *Amended.*

Steam and other vessels.

(2) The Commission may hold and operate as part of the property of the Commission as many steam or other vessels as the Commission deems requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway. R.S.O. 1914, c. 38, s. 9 (2).

Buildings and rolling stock for railway.

13. The Commission may erect and maintain all necessary and convenient buildings, stations, depots, wharves and

fixtures

fixtures and may from time to time alter, repair or enlarge the same and may purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway, and the accommodation and use of the passengers, freight and business of the railway. R.S.O. 1914, c. 38, s. 10.

14. The Commission may, subject to the approval of the Lieutenant-Governor in Council, construct, maintain and operate works for the production of electricity or other motive power for the said railway, and for lighting and heating the rolling stock and other property of the railway, and may from time to time sell or lease any such electricity or other motive power not required for the purposes aforesaid to any person or corporation and may acquire and hold any property necessary for such purposes. R.S.O. 1914, c. 38, s. 11.

15. The Commission may acquire the right to convey and transmit electric or other power required for the working of the railway or any other works of the Commission, and lighting or heating the same over, through or under land other than the land of the Commission, and may purchase or otherwise acquire the right to lay conduits under, or erect poles or wires on or over such land as may be determined by the Commission, and along and upon any of the public highways or across any of the waters in Ontario, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires for such lines, or the conduits for such electricity or other power upon and subject to such agreement in respect thereto as shall first be made between the Commission and any private owners of the land affected, or failing such agreement subject to the right of expropriation as provided in section 19 hereof. R.S.O. 1914, c. 38, s. 12.
Amended.

16.—(1) The Lieutenant-Governor in Council may by Order-in-Council transfer to the Commission any ungranted land in Ontario which in the opinion of the Commission is required for the railway or for convenient and necessary right-of-way, sidings, yards or stations or for the supply, for the purposes of the railway, of stone, gravel, earth, sand or water, or for any other purpose or use in connection with the railway or other works of the Commission.

(2) Registration of a certified copy of any such Order-in-Council in the registry office or office of land titles, as the case may be, for the registry district in which the land is situate, shall be deemed to vest and shall vest in the Commission as trustee for the Province, the land described in such Order-in-Council. R.S.O. 1914, c. 38, s. 13 (2).

**Appoint-
ment of
officers and
employees.**

17. Subject to any general regulation which may be made by the Lieutenant-Governor in Council, the Commission may from time to time appoint such officers and employees as the Commission may deem necessary for the proper conduct of the business of the Commission, and may prescribe their duties and fix their remuneration.

**Security for
safekeeping
of funds.**

18. Security shall be given by any person entrusted by the Commission with the custody and control of money by virtue of his employment, in such manner and to such amount as may be prescribed by the Commission with the approval of the Lieutenant-Governor in Council.

**General
powers of
Commission.**

19.—(1) The Commission shall have in respect of the railway and works, in addition to all the powers, rights, remedies and immunities conferred by this Act, all the powers, rights, remedies and immunities conferred upon any railway company by *The Ontario Railway Act*, or by any general Act of this Legislature affecting railways for the time being in force, but *The Ontario Railway Act* or any other such Act shall not in other respects apply to the railway or be binding upon the Commission.

**Expropria-
tion of eas-
ements, etc.**

(2) The Commission may from time to time, at its option, in lieu of expropriating land under the provisions of any such general railway Act, expropriate such easements, rights of user and rights of support as shall be indicated in any notice to be given by the Commission in that behalf, and in any such case the compensation to the owners or other persons interested in any such land shall be reasonable compensation for such easements, rights of user and rights of support. R.S.O. 1914, c. 38, s. 17 (1, 2).

**Alternative
method of
expropria-
tion.**

(3) In lieu of proceeding in the manner provided by *The Ontario Railway Act* or any other general Act of the Legislature affecting railways, the Commission may at its option acquire and expropriate any such lands, easements, rights of user and rights of support in the same manner *mutatis mutandis* as is provided in the case of land or property taken by the Crown as represented by the Minister of Public Works under *The Public Works Act*, and any claim for compensation for any such lands, easements, rights of user or rights of support shall in that case be determined in the manner provided by the said *Public Works Act*.

**Carrying
Railways
over
highways.**

(4) The railway of the Commission, including any branch lines, spurs or sidings, may be carried along or across existing highways upon leave therefor having been first obtained from the Ontario Railway and Municipal Board, and sections 118 to 128 of *The Ontario Railway Act* shall apply to any such

occupation of existing highways, and to the construction and use of any such railways carried along or across the same and to any application for such leave. R.S.O. 1914, c. 38, s. 17 (3).

20. The railway shall as far as practicable be constructed. Supplies and equipped and operated with railway supplies and rolling stock made, purchased or procured in Canada, if they can be obtained as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price. R.S.O. 1914, c. 38, s. 18.

21. No person shall be employed in the construction of the railway and works in contravention of *The Alien Labour Act*, or the provisions of any general railway Act of Ontario respecting the employment of alien labour. R.S.O. 1914, c. 38, s. 19.

22. The workmen, labourers and servants employed in or about the construction or operation of the railway and works shall be paid such rates of wages as may be concurrently payable to workmen, labourers and servants engaged in similar occupations in the districts in which such railway and works are constructed and operated. R.S.O. 1914, c. 38, s. 20.

23.—(1) The Lieutenant-Governor in Council may from time to time by Order-in-Council transfer to the Commission for town sites, portions of the ungranted land of Ontario along the line of railway adjacent to stations or proposed stations, and the registration of a certified copy of any such Order-in-Council in the registry office, or office of land titles as the case may be, for the registry districts in which the land is situate shall vest in the Commission, as trustee for Ontario, the land described in any such Order-in-Council.

(2) The Commission may for the same purpose from time to time acquire other land so situate by the same means as it is authorized to acquire land for right-of-way and station grounds, and shall have all the rights and powers with reference to the acquisition thereof by expropriation or otherwise as it has with reference to the acquisition of land for right-of-way, but the land acquired for town sites shall not exceed one thousand acres for any one site.

(3) The Commission may from time to time lay out, sell, lease or otherwise dispose of any part of such land as it may think proper, and may take mortgages or other securities for any unpaid purchase money. R.S.O. 1914, c. 38, s. 21.

24. Subject to any general regulation which may be made by the Lieutenant-Governor in Council, the Commission may

Minerals and
mining
rights.

from time to time sell, lease or otherwise deal with mines, minerals and mining rights upon or under any portion or portions of the right-of-way, town sites or other lands now vested and hereafter vested in the Commission. R.S.O. 1914, c. 38, s. 23. *Amended.*

Dedication
of highways
not to affect
mining
rights.

25. The laying out, whether by plan or otherwise, or the dedication in any manner of any land within any town site as or for public streets or highways shall not be deemed to revest in the Crown, or to vest in the corporation of the municipality in which such town site is situate, any mines, minerals or mining rights theretofore granted by the Crown to the Commission or to any other person on or under any such land so laid out or dedicated, but the Commission or such other grantees of the mines, minerals and mining rights on or under the land so laid out or dedicated shall have the right from time to time to carry on mining operations on or under such land, or to sell, lease or otherwise deal with the mines, minerals and mining rights on or under such land, subject, however, to the obligation of all parties actually conducting mining operations on or under any such land, whether as owners, lessees or otherwise, to conduct such mining operations in such way as shall not interfere with public travel upon such streets and highways. R.S.O. 1914, c. 38, s. 24.

Conditions
precedent to
right to carry
on mining.

26. No such mining operations shall at any time be begun or carried on upon or under any land so laid out or dedicated as public streets or highways until after the person, whether as owner, lessee or otherwise proposing to carry on such mining operations, shall have submitted to the council of the municipality in which such streets or highways are situate proper plans of such proposed mining operations with all necessary specifications and details, nor until such plans have been approved in writing by the engineer of such municipality, or an engineer appointed by the corporation of the municipality for that purpose, and may thereafter be carried on in strict conformity to such plans and not otherwise. R.S.O. 1914, c. 38, s. 25.

Holding
shares in
Nipissing
Central
Railway

27.—(1) The Commission, and any or all of the commissioners, or any officer of the Commission designated by the Commission for that purpose, may hold the shares of the Nipissing Central Railway Company heretofore acquired in trust for the Province and may exercise all the rights of shareholders in respect of the shares so held by them.

Commission
authorized
to advance
funds to
Nipissing
Central for
construction.

(2) The Commission may advance to the Nipissing Central Railway Company such sums as may be required from time to time for the maintenance and operation of the line of railway of said company, or for the purchase, construction, repair and maintenance of the equipment thereof.

(3) The Commission, with the approval of the Lieutenant-Governor in Council, may also advance to the Nipissing Central Railway Company such sums as may from time to time be required for the construction and completion of the line or lines of railway of the said company. *For equipment.*

(4) The Commission may guarantee the performance of any and all obligations or undertakings of the said Nipissing Central Railway Company and the repayment of any advances made to it for the purposes aforesaid or any of them, but shall not guarantee any obligations for construction until authorized by the Lieutenant-Governor in Council. 1925, c. 22, s. 2, *part. Amended.* *Guaranteeing contracts of Nipissing Central.*

28.—(1) Subject to the approval of the Lieutenant-Governor in Council the Commission may borrow money from time to time for the construction of its railway or the railway of the Nipissing Central Railway Company and the purchase of rolling stock and other equipment therefor, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed and such securities may be charged upon and secured by the property, assets, rights, rents and revenues of the Commission present or future therein described and may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper. *Commission authorized to issue bonds, etc.*

(2) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province to guarantee the payment of any securities issued by the Commission for the purposes aforesaid. *Guaranteeing bonds.*

(3) The form of guaranty and the manner of its execution shall be determined by the Lieutenant-Governor in Council. *Form of guaranty.*

(4) For the purposes of this section wherever the word "railway" occurs herein it shall mean and include the railway which the Commission or the Nipissing Central Railway Company is authorized to construct or operate and includes all branches, extensions, sidings, stations, depots, wharves, rolling stock, equipment, stores, property, real or personal, and works connected therewith and also any railway bridge, tunnel, or other structure which the Commission or the Nipissing Central Railway Company is authorized to construct. 1925, c. 22, s. 2, *part. Amended.* *"Railway."*

29. The Lieutenant-Governor in Council may from time to time authorize the Treasurer of Ontario to advance to the Commission out of the Consolidated Revenue Fund, such sums *Advances out of Consolidated Revenue.*

as may be deemed necessary for the construction, maintenance and operation of the railway or other works of the Commission and all moneys so advanced shall be duly accounted for by the Commission. *New.*

Special account in books of Treasury.

30. An account to be called the "Temiskaming and Northern Ontario Railway Account" shall be kept by the Treasury Department of all payments out of the Consolidated Revenue Fund and of moneys received from the Commission in repayment of any indebtedness incurred by the Commission. R.S.O. 1914, c. 38, s. 26.

Application of revenue

31.—(1) The moneys received by the Commission from the operation of its railway and other works and all moneys received by it in respect of any sale, lease or other disposal of land or town sites or in respect of the sale or lease of mines, minerals, mining rights or otherwise shall be applied,—

- (a) to the necessary operating expenses of the railway and works and of all works necessary to the preservation, improvement and maintenance of the railway and works of the Commission and to the protection of the rights of the Commission in town sites, mines, minerals and mining rights;
- (b) to the payment of the remuneration and expenses of the commissioners and the salaries and other remuneration and expenses of the officers and others employed by the Commission and other incidental expenses of the Commission;
- (c) to the payment of any amount due on account of interest in respect of money borrowed by the Commission pursuant to the powers conferred by this Act;
- (d) to the repayment of any amount due on account of principal in respect of money borrowed by the Commission pursuant to the powers conferred by this Act other than money borrowed on capital account;
- (e) to providing a sinking fund when required for the redemption of any securities issued by the Commission for repayment of any money so borrowed;

and the surplus, if any, shall be paid over to the Treasurer of Ontario at such times and in such manner as the Lieutenant-Governor in Council shall direct and shall form part of the Consolidated Revenue Fund.

Investment of surplus moneys.

- (2) The amount of surplus to the credit of any sinking fund

fund provided by the Commission shall be invested in securities of the Province of Ontario at such times and in such manner as the Lieutenant-Governor in Council may direct. *New.*

32. The Commission shall cause books to be provided and ^{Accounts to be kept by Commission.} kept and true and regular accounts to be entered therein of all sums of money received and paid, and of the several purposes for which the same were received and paid, which books shall at all times be open to the inspection of any member of the Commission and of the Treasurer of Ontario, and of any person appointed by the Commission or Treasurer for that purpose and of any other person appointed by the Lieutenant-Governor; and any member of the Commission, and any of such persons may take copies of or extracts from such books. R.S.O. 1914, c. 38, s. 31.

33. The Commission shall make an annual report to the ^{Annual report to Assembly.} Assembly and shall include therein the report of its auditor. Such annual reports shall set forth the operations of the Commission for the fiscal year then last passed and shall contain such particulars as may appear to the Commission to be of public interest or as may be required by the Lieutenant-Governor in Council. R.S.O. 1914, c. 38, s. 33.

34. No member of the Commission nor any officer or employee thereof shall make or enter into any contract with the Commission, or be pecuniarily interested directly or indirectly in any contract or work in regard to which any portion of the money under the control of the Commission is being or is to be expended. R.S.O. 1914, c. 38, s. 34.

35. No action shall be brought against the Commission or ^{Leave of Attorney-General required to action against Commission.} against any member thereof for anything done or omitted in the exercise of his office without the consent of the Attorney-General of Ontario. R.S.O. 1914, c. 38, s. 35.

36. The Acts and parts of Acts set out in the schedule ^{Repeal.} hereto are repealed.

37. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

SCHEDULE OF REPEALED ACTS.

R.S.O. 1914, Chapter 38 (*The Temiskaming and Northern Ontario Railway Act*)—The whole.

1914, Chapter 2 (*An Act to confirm the Revised Statutes of Ontario, 1914, and to correct certain Clerical and Typographical Errors Therein*)—Schedule, Item 15.

1915, Chapter 20 (*The Statute Law Amendment Act*)—Sections 5 and 6.

1917, Chapter 27 (*The Statute Law Amendment Act*)—Section 13.

1918, Chapter 20 (*The Statute Law Amendment Act*)—Section 9.

1919, Chapter 25 (*The Statute Law Amendment Act*)—Section 5.

1920, Chapter 17 (*The Temiskaming and Northern Ontario Railway Extension Act, 1920*)—The whole.

1925, Chapter 22 (*The Temiskaming and Northern Ontario Railway Act, 1925*)—The whole.

CHAPTER 17.

An Act respecting the Hydro-Electric Power Commission of Ontario.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Power Commission Act*, short title. 1927.

INTERPRETATION.

2. In this Act, unless the contrary intention appears, Interpretation.

(a) “Commission” shall mean The Hydro-Electric Power Commission of Ontario; R.S.O. 1914, c. 39, s. 2. ^{“Commission.”}

(b) “works” shall include all property, plant, machinery, “Works.” installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, delivery, sale or use of electrical power or energy;

(c) if a power is conferred or a duty imposed on the Commission, the power may be exercised and the duty shall be performed from time to time as occasion requires. ^{“From time to time.”}

PART I.

THE COMMISSION.

3. The Commission, as now constituted, shall, for the purposes herein mentioned, continue to be a body corporate, and shall consist of three persons appointed by the Lieutenant-Governor in Council, two of whom may be members, and one of whom shall be a member, of the Executive Council of Ontario. R.S.O. 1914, c. 39, s. 2. ^{Constitution of Commission.}

Chairman.

4. The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman of the Commission, and two members shall form a quorum. R.S.O. 1914, c. 39, s. 3.

Tenure of office.

Vacancies.

5. Every person appointed to the Commission shall hold office during pleasure; and the Lieutenant-Governor in Council, upon the death, resignation or removal from office of any member of the Commission, may appoint some other person in his place. R.S.O. 1914, c. 39, s. 4.

Remuneration of Commissioners.

6.—(1) An amount not exceeding forty-five thousand dollars may be paid annually for the services of the chairman and the other members of the Commission, who shall receive from the said amount such sums as may be determined by the Lieutenant-Governor in Council, and the said sums shall be deemed to be part of the administration expenses of the Commission. See 1914, c. 16, s. 4; 1915, c. 9, s. 2.

Seat in Assembly not vacated.

(2) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the chairman or of any other member of the Commission, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by the said Act for sitting and voting as a member of the Assembly. 1915, c. 19, s. 2, *part*.

Officers and employees.

7.—(1) The Commission may appoint a chief engineer, an accountant and a secretary, and such other officers and employees as may be deemed requisite, and determine their salaries and other remuneration. See R.S.O. 1914, c. 39, s. 6 (1, 2).

Apportionment of salaries and expenses.

(2) The salaries, remuneration and expenses of persons appointed or employed by the Commission, as well as any other expenses of the Commission, shall be apportioned by the Commission among, and shall be chargeable to, the various works and undertakings carried on by the Commission upon which such persons are employed, but any portion of such salaries, remuneration and expenses which are not properly chargeable to such works or undertakings and which are earned or incurred in the performance of work or services other than those rendered in respect of works or undertakings of the Commission under contract with municipal corporations shall be chargeable to and payable out of such moneys as may be appropriated for that purpose by the Legislature.

Apportionment to be final.

(3) The apportionment by the Commission of such salaries, remuneration and expenses shall be final. 1916, c. 19, s. 3.

(4) Without the consent of the Attorney-General, no action against the Commission or against any member thereof for anything done or omitted in the exercise of his office. R.S.O. 1914, c. 39, s. 16.

(5) Neither the Province nor the Commission nor any member thereof shall incur any liability by reason of any error or omission in any estimate, plan or specification prepared or furnished by the Commission. R.S.O. 1914, c. 39, s. 17.

ANNUAL REPORT.

8.—(1) The Commission shall, before the first day of March in each year, make to the Lieutenant-Governor in Council, for the information of the Assembly, an annual report, which shall contain, among other things, clear and comprehensive statements disclosing and exhibiting—

- (a) the actual condition as to the amount and character of the assets and liabilities (direct and indirect) of the undertakings conducted by it as on the thirty-first day of October last preceding; *Assets and liabilities.*
- (b) a statement with respect to each system or under-taking operated or controlled by the Commission showing— *Capital expenditures in year.*
 - (i) the cash advances in the fiscal year ending on the thirty-first day of October last preceding, by the Province of Ontario to the Commission, for the construction of works;
 - (ii) the amounts expended by the Commission in the fiscal year, out of such cash advances, on construction of works, and the balance remaining unexpended in the hands of the Commission on the thirty-first day of October last preceding.
- (c) a statement with respect to the operations of each system for the fiscal year ending on the thirty-first day of October last preceding, showing— *Operations of each system.*
 - (i) the proportion of the capital cost of the works of the system, allocated or apportioned to each municipality comprised in such system;
 - (ii) the cost to each municipality, as provided to be paid under section 57 of this Act, of the power supplied thereto in the fiscal year,

including

including its proportionate part of the operating, maintenance and administrative expenses, interest, and provisions for renewal of works, and obsolescence, sinking funds and contingencies;

(iii) the amount received from each municipality on account of the cost of power supplied in the fiscal year, and the amount remaining to be paid by, or standing to the credit of, each municipality;

(iv) the amount of profits earned or losses sustained by each system from sale of power to other than municipal corporations;

Accumulated balances.

(d) a statement with respect to each system, showing the accumulated amount remaining to be paid by, or standing to the credit of, each municipality comprised in such system as on the thirty-first day of October last preceding;

Sinking funds.

(e) a statement with respect to each system, showing the amount standing to the credit of each municipality on sinking fund account (including the sums contributed by it) as at the thirty-first day of October last preceding;

Indebtedness to Commission.

(f) a statement of the amount of the indebtedness due or owing by each municipal or other corporation or person to the Commission in respect of—

(i) construction of works, sale of electrical equipment, apparatus or supplies, and services rendered;

(ii) power bills;

(iii) other indebtedness, if any;

and such statement shall also indicate the debts that are three months or more overdue;

Other matters.

(g) such other matters as may appear to be of public interest in relation to the Commission or its works, as the Lieutenant-Governor in Council may direct.

Form of statements.

(2) The said statements shall be in form approved of by the Lieutenant-Governor in Council, and shall contain such

information and particulars as he shall require, and shall be signed by the chairman or vice-chairman of the Commission. *See 1916, c. 19, s. 4, part; 1918, c. 14, s. 3, part.*

AUDIT.

9.—(1) The accounts of the Commission shall, upon the direction of the Lieutenant-Governor in Council, be from time to time, and at least once every year, audited and reported upon by an auditor or auditors named in the direction of the Lieutenant-Governor in Council. *1916, c. 19, s. 4, part; 1918, c. 14, s. 3, cl. h.*

(2) The expenses of such audits shall be fixed by the Commission, with the approval of the Lieutenant-Governor in Council, and shall be payable by the Commission as part of the costs of administration of the Commission. *1916, c. 19, s. 4, part; 1916, c. 20, s. 2, cl. d; 1918, c. 14, s. 3, cl. i.*

INCOME AND EXPENDITURES.

10. The income of the Commission shall be applied by the Commission to the necessary operating expenses, to the preservation, improvement, supervision, renewal, repairs, maintenance and insurance of its works, and to the payment of the remuneration and expenses of the Commissioners, and the salaries of officers and others employed by the Commission, and to such other purposes as may be authorized or required by this Act. *1916, c. 19, s. 7 (2).*

11. All special funds and the income and revenue thereof and all moneys and revenues which now are in or shall come into the hands of the Commission, whether as agent, trustee, owner or otherwise, shall form one fund to be called "General Fund," and the Commission shall have power to make any and all expenditures out of the said fund for the purposes and objects of the Commission without regard to the special trusts or purposes under which the said fund or any part thereof may come into its hands; and the Commission shall account for and pay out of the said fund all moneys for which it shall be so accountable. *1918, c. 14, s. 4, part.*

12. The Commission may retain and set apart out of moneys coming into its hands such sums as may, in the opinion of the Commission, be sufficient—

- (a) to provide for the renewal, reconstruction, alteration and repair of works constructed or operated by the Commission; *For repair of works.*
- (b) to meet interest upon working capital and for the operation of the Commission under section 52 of this Act, and to meet obligations, charges, and *For interest and charges.*

expenses arising from time to time in the course of such operations;

For unforeseen expenses.

- (c) to meet any unforeseen expenditures or costs caused by the destruction of or injury to any of the works of the Commission or obsolescence or otherwise incurred or payable by the Commission. 1918, c. 14, s. 4, *part*.

INVESTMENT OF FUNDS.

Investment of funds in Government securities.

13.—(1) The Commission may, in its discretion, invest any funds, not required in carrying out the objects of the Commission, in the debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed by the Province of Ontario.

As to sinking funds.

(2) Subsection 1 shall not apply to sinking funds. 1918, c. 14, s. 4, *part*; 1924, c. 23, s. 3.

SINKING FUNDS.

Sinking fund.

14. The Commission shall annually set apart as a sinking fund,—

- (a) such sums as are received by the Commission from municipal corporations under the provisions of paragraph (c) of section 57, and section 58, of this Act;
- (b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from other corporations and persons under contract with the Commission for a supply of power.
New.

Applications of receipts on sinking fund account.

15.—(1) All sums received by the Commission from municipal corporations and others on sinking fund account for repayment of the advances made by the Province to the Commission shall,—

- (a) to the extents respectively set out in schedule "A" to this Act; and
- (b) to such further extent as may be necessary to repay any advance hereafter made by the Province to the Commission in equal annual instalments of principal and interest within a period of forty years from the date of such advance,

be paid by the Commission to the Treasurer of Ontario annually on or before the 31st day of October in each year and shall be credited to the Commission.

(2) Where the amounts collected by the Commission in any year on sinking fund account for the repayment of advances made by the Province to the Commission exceed the amount required to be paid over to the Treasurer of Ontario under subsection 1 for such year, such excess amount shall be invested by the Commission in securities issued by or guaranteed by the Province of Ontario and such securities shall be delivered by the Commission to the Treasurer of Ontario as collateral security for the repayment of advances made by the Province to the Commission, and the Lieutenant-Governor in Council may from time to time direct that any securities so held by the Treasurer shall be sold and converted and the proceeds thereof credited to the Commission on account of any sums payable by the Commission on sinking fund account under subsection 1.

(3) All sums received by the Commission from municipal corporations and others on sinking fund account for repayment of other indebtedness incurred or assumed by the Commission in respect of the cost of works may be used or employed by the Commission to pay off such indebtedness, but any portion of such sums not so used or employed shall be invested by the Commission in securities issued by, or guaranteed by the Province of Ontario.

(4) Interest earnings in excess of four per centum per annum upon the investment of the sinking funds shall be credited as a revenue to the municipal corporations in proportion to the amounts standing to their credit on sinking fund account. *See* 1918, c. 14, s. 7, *part*; 1924, c. 23, s. 5; 1926, c. 17, s. 2, *part*.

16. The Lieutenant-Governor in Council may authorize the Commission to postpone the collection or setting apart of any sums on sinking fund account to provide for the cost of any works newly constructed or acquired for such period, not exceeding ten years, as may be deemed advisable. *New.*

PENSION FUND.

17.—(1) The Commission, with the approval of the Lieutenant Governor in Council, may establish and maintain a fund for the payment of superannuation allowances or allowances upon the death or disability of its employees, and may make regulations providing for contributions to the fund by the Commission and by its employees, and for the terms and conditions upon which any superannuation or other allowance shall be payable and the persons to whom the same may be paid.

Cost to
Commission
to be charge-
able to ad-
ministration.

(2) The cost to the Commission of maintaining and administering any such fund shall be deemed part of the cost of the administration of the Commission and shall be chargeable accordingly. *New.*

Municipal
employees
may be
included
in fund.

Rev. Stat.,
c. 204.

18. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement with the corporation of any municipality receiving power from the Commission for including in the said fund employees of any commission established under *The Public Utilities Act*, or under this Act, for the management and control of works for the distribution of electrical power or energy in the municipality, upon such terms as to the contribution by a municipal corporation and otherwise as may be deemed expedient. 1919, c. 16, s. 2, *part*.

REPORT ON WATER POWERS.

Commission
to report
on water
powers,
etc., when
required.

19. Whenever required by the Lieutenant-Governor in Council so to do, the Commission shall enquire into, examine and investigate water powers or water privileges in Ontario and report upon the value and capacity thereof, with such other information as the Lieutenant-Governor in Council may require. R.S.O. 1914, c. 39, s. 13, *part*.

ACQUISITION OF PROPERTIES.

Report of
Commission
as to—

20. The Commission may report to the Lieutenant-Governor in Council, designating—

Acquiring
works, etc.

(a) the land, waters, water privileges or water powers, or the land and works, or portion thereof, of any person owning or holding under lease or otherwise, or developing, operating or using a water privilege or water power, or transmitting electrical or other power or energy in Ontario which, in the opinion of the Commission, should be purchased, acquired, leased, taken, expropriated, developed, operated or used by the Commission for the purposes of this Act; or,

(b) the quantity of the product of any person generating electrical power or energy in Ontario or bringing such power or energy into Ontario for use or transmission therein which the Commission requires for the purposes of this Act. R.S.O. 1914, c. 39, s. 7.

Power may
be given to
Commission.

21.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Commission, may authorize the Commission to—

(a)

- (a) acquire by purchase, lease or otherwise, or, without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, the land, waters, water privileges, water powers and works, of any person owning, holding under lease or otherwise, or developing, operating or using the same for generating, or adapted for generating electrical power or energy or for the transmission thereof in Ontario; and develop and use the same for any of the purposes of this Act; R.S.O. 1914, c. 39, s. 8. To acquire lands, water powers and works.
- (b) acquire by purchase, lease or otherwise, and construct, To acquire and construct works for production of maintain and operate, works for the production of electrical power or energy by the use of coal, oil or any other means whatsoever. 1920, c. 18, s. 2. To acquire and construct works for production of electricity.
- (c) construct, maintain and operate, and acquire by purchase, lease or otherwise, or, without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, all erections, machinery, plant and other works and appliances for the transmission, supply and distribution of electrical power or energy; and conduct, store, transmit and supply electrical power or energy and steam for the purposes of this Act, and, with lines of wires, poles, conduits, pipes, motors or other conductors or devices, receive, conduct, convey, transmit, distribute, supply or furnish such electrical power or energy and steam to or from any person at any place through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or railway, and through, over or under the land of any person; R.S.O. 1914, c. 39, s. 8, *part*; 1915, c. 19, s. 7. To acquire plant for transmission of power.
- (d) contract with any person generating, transmitting or distributing electrical power or energy, or proposing so to do, to supply electrical power or energy to the Commission; and require any person generating, transmitting or distributing electrical power or energy to supply so much thereof as the Commission may require; To contract for supply of power to Commission
- (e) enter upon, take and use, without the consent of the owner thereof, any land upon which any water power or privilege is situate, or any lake, river, stream or other body of water which, in the opinion of the Commission, is capable of improvement or To flood lands and improve water powers.

development for the purpose of providing water power, and construct such dams, sluices, canals, raceways and other works as may be deemed proper or expedient for the said purposes, and flood and overflow any land to the extent to which the Commission may deem necessary for the purpose of providing storage of the water or for any other purpose in connection with such works, and contract with any municipal corporation, company or individual for the use of any of the improvements or works so made, on such terms and conditions as may be agreed on; R.S.O. 1914, c. 39, s. 8, *part*.

To acquire flooded lands on behalf of municipality.

(f) enter upon, take and use, without the consent of the owner thereof, any land which may, in the opinion of the Commission, be necessary for the full enjoyment and exercise of any water right, water privilege or improvement undertaken by the Commission or by any municipal corporation, or for the relief of the municipal corporation from liability for damages for the flooding or overflowing of such lands; but subject to the provisions of subsections 2 and 3 the proceedings taken under this paragraph shall be at the sole expense of the municipal corporation, and the Commission may convey the lands so acquired to such corporation or make such other disposition thereof with the consent of such corporation as may be deemed expedient. 1914, c. 16, s. 3.

To acquire distributing plant.

(g) acquire by purchase or expropriate any plant, machinery, appliances, wire, poles and other equipment, and the land occupied by or used in connection therewith or any part thereof, used or intended for the distribution of electrical power or energy in a municipality, the corporation of which has entered into an agreement with the Commission for the supply of electrical power or energy, and contract for the sale and transfer to such municipal corporation of such plant, equipment and land upon such terms and for such price, not being less than the price paid by the Commission, with the expenses in connection with such purchase or expropriation added thereto, as may be agreed upon; but if part only of the property is taken the damage done to the property by the severance shall be taken into consideration in determining the compensation; R.S.O. 1914, c. 39, s. 8, *part*.

To acquire stock in development companies.

(h) acquire by purchase or otherwise on any terms and hold shares in any incorporated company carrying on the business of developing, supplying or trans-

mitting electrical power or energy; and in connection with any such acquisition enter into any covenants and agreements, and pay for any such shares either in cash or in bonds, debentures or other securities of the Commission, and guarantee, or covenant or agree for or in respect of the payment or performance of any bonds, debentures, securities, contracts or obligations of any company shares in which are so acquired, or of any company shares in which are held by any company in which shares are so acquired; and for the purposes of this Act the acquisition of shares of such companies shall be deemed to be an investment in works. 1917, c. 20, s. 3, *part*.

(i) lease or operate the works for the generation, transmission, distribution or use of electrical energy of any person, firm or corporation on such terms as the Commission may arrange with the owner. 1918, c. 14, s. 5.

(j) issue bonds, debentures or other securities of the Commission for any of the purposes set out in paragraphs (a) to (i), in such form and containing such terms and at such rate of interest and payable in such manner and at such time or times as the Lieutenant-Governor in Council may determine. 1917, c. 20, s. 3, *part*.

(2) Where in the exercise of the powers conferred by this Act the Commission constructs any works or improvements upon any lake, river, stream or other body of water the Lieutenant-Governor in Council may direct a judge of the Supreme Court or the judge of the county or district court to enquire into and determine the proportion in which any municipal or other corporation, company or individual owning a water power or water power site, whether developed or not, is benefitted by such works or improvements and the judge may make an order fixing the proportion in which the cost of such works and improvements shall be borne by any such municipal or other corporation, company or individual and by the Province respectively.

(3) Where under an agreement, or any instrument purporting to be an agreement with a municipal corporation, the Commission has heretofore constructed works or improvements upon any lake, river, stream or other body of water and it appears to the Lieutenant-Governor in Council that such works or improvements are or may be of benefit to, or increase the value of the land of any individual or corporation other

than

than such municipal corporation, the Lieutenant-Governor in Council may direct a judge of the Supreme Court, or the judge of the county or district court, to enquire into and determine the proportion in which such municipal corporation and any such individual or other corporation are respectively benefitted by such works or improvements, and the judge may make an order fixing the proportion in which the cost of the original construction and the operation of such works and improvements shall be borne by the municipal corporation party to such agreement or instrument and by any such individual or corporation respectively, and may fix such proportion without regard to the terms of any such agreement or instrument.

Appeal.

(4) An appeal shall lie from an order of a judge made under subsection 2 or subsection 3 to the Appellate Division.

**Assessment
of cost by
Commission.**

(5) The Commission shall annually fix and determine the payments to be made by any municipal or other corporation or by any individual and by the Province respectively according to the proportions named in the order of the judge and the amount fixed shall be payable on demand and in default shall be recoverable in the manner hereinafter provided.

**Allowance
for previous
expenditure.**

(6) In fixing the amounts so payable the Commission shall give credit for any amount theretofore contributed to the cost of such works and improvements by a municipal or other corporation or by any individual.

**Recovery of
amount
assessed.**

(7) The amount so found payable by a municipal corporation shall be recoverable in the like manner as in the case of a charge for any other service rendered by the Commission to a municipal corporation and in the case of any other corporation or of an individual the amount so found due shall constitute a debt due to the Commission and shall be recoverable in any court of competent jurisdiction from the owners from time to time of the lands so found by the order of the judge to be benefitted by such works or improvements and shall constitute a lien or charge upon such lands enforceable in the same manner and by the same proceedings as nearly as may be as in the case of a charge in favour of the Crown.

**Share of
Province,—
how payable.**

(8) Where a proportion of the cost of such works and improvements is to be borne by the Province the amount due from time to time in respect thereof shall be payable out of any moneys appropriated by the Legislature for that purpose. *New.*

**Powers of
Commission
as to expro-
priation.
how exer-
cised.**

22. Subject to the provisions of sections 23 and 24, whenever the Commission is authorized by the Lieutenant-Governor in Council to exercise any of the compulsory powers mentioned

in section 21 or which are conferred upon the Commission by any other provision, the Commission in respect thereof shall have the powers conferred on the Minister of Public Works and shall, subject to the provisions of section 31, proceed in the manner provided by *The Ontario Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and the provisions of that Act shall, *mutatis mutandis*, apply. R.S.O. 1914, c. 39, s. 9; 1915, c. 19, s. 4.

23.—(1) Whenever the Commission has been authorized by the Lieutenant-Governor in Council to exercise any of the powers set out in clause (c) of subsection 1 of section 21, the Commission may acquire by purchase, lease or otherwise, or without the consent of the owners thereof or other persons interested therein, enter upon, take possession of, expropriate, and use such lands and such rights or easements in lands as may be required for the purpose of constructing, erecting, maintaining and operating thereon lines of wires, poles, conduits or other conductors or devices, with all other plant, appliances and equipment required therefor to transmit, distribute, supply or furnish electricity at such voltage as the Commission may determine, through, over, under, along or across any lands and premises, public highways or public places, streams, waters, watercourses, or any bridge, viaduct or railway.

(2) The powers mentioned in subsection 1 may be exercised without any prerequisite or preliminary action or proceeding and without any other sanction or authority than is conferred by this Act, and shall include the right to take, acquire or retain possession for such time as the Commission may deem proper, and under agreement with the owner or person interested, or without his consent, of such lands or of such estate, right, title, privilege, easement or interest in, over, upon, or in respect of or relating to any land as to the Commission may seem desirable or expedient.

(3) Whenever the Commission acts or has acted under the authority conferred by subsection 1, compensation shall be made to the owners or persons interested for the lands taken and for all damage to land necessarily resulting from the exercise of the powers granted to the Commission by that subsection, and in fixing such compensation regard shall in all cases be had to the value of the lands taken or to the nature and extent of the estate, right, privilege, easement or interest which the Commission decides to take and acquire in, over, upon or in respect of the lands, as the case may be, and the compensation shall be based thereon. 1915, c. 19, s. 5.

Claims for compensation, how dealt with.

Rev. Stat..
c. 35.

Right to arbitration under Rev. Stat., c. 65.

Payment or disposition of compensation.

Rev. Stat., c. 35.

Removal of trees and obstructions beside right of way.

Powers of Commission as to wires, poles and conduits.

(4) The claimant shall present his claim for compensation to the Commission in the manner provided for presentation of claims under section 40 of *The Ontario Public Works Act*, and the provisions of that section shall apply in respect of such claim, and in the event of an agreement not being arrived at the amount of the compensation may, subject to the provisions of section 31, be determined by arbitration under *The Ontario Public Works Act*, in which case the provisions respecting arbitration contained in that Act shall, *mutatis mutandis*, apply.

(5) Should the claimant so elect by notice in writing within one month from the entry on and taking possession by the Commission, the amount of the compensation shall be determined in the manner provided by *The Arbitration Act* and subject to the provisions thereof.

(6) When the Commission has agreed on the purchase price or rental, or the amount of compensation has been determined, all the provisions of *The Ontario Public Works Act* as to the payment or other disposition of the money payable in respect of the estate, right, title or interest purchased, leased or taken by the Commission and as to the vesting of such estate, right, easement or interest, and the title thereto, in the Commission shall, *mutatis mutandis*, apply. R.S.O. 1914, c. 39, s. 10 (3), (4), (5).

24. The powers conferred upon the Commission by or under the authority of this Act, shall include the right to enter upon any land upon either side of the right-of-way acquired for the transmission or distribution lines or works of the Commission, or upon any land upon either side of such lines or works, and to fell or remove any trees or branches thereof or any other obstruction upon any such land or upon any public highway or place which, in the opinion of the Commission, it is necessary to fell or remove, but subject always to the payment of compensation as provided in section 23 of this Act, and the said section shall apply to the exercise of the powers mentioned in this section. 1915, c. 19, s. 8.

25. In the exercise of the powers conferred and in carrying out any work authorized by this Act or any other general or special Act, the Commission has and always has had authority to carry its wires along, upon, under and across any public highway or street, and to erect poles and put down conduits and all other structures necessary for that purpose, and to take down, remove, or take up the same without taking any of the proceedings prescribed by this Act for the taking of land without the consent of the owner thereof, and the

provisions of this Act with regard to compensation for lands so taken shall not apply, but the location of any poles, conduits, lines or other structures of the Commission to be hereafter erected, put down or constructed upon a highway shall be agreed upon by the Commission and the municipal corporation or other authority having control of the highway, or in case of disagreement shall be determined by the Ontario Railway and Municipal Board. 1924, c. 23, s. 4.

26. Wherever in the course of constructing, reconstructing, altering or improving any highway it becomes necessary to take up, remove or change the location of poles, wires, conduits, transformers or other appliances or works placed on or under a highway by the Commission, the costs and expenses incurred in such work shall be apportioned and paid in the manner provided by section 2 of *The Public Service Works on Highways Act, 1925 and 1926*, and the said section shall apply to the Commission in the same manner and to the same extent as to a municipal corporation, commission, company or individual owning or operating the appliances or works mentioned in the said section. 1926, c. 16, s. 3.

27.—(1) The Commission may expropriate, purchase, lease or otherwise acquire lands which the Commission may deem necessary for office, service, or other buildings, and may erect thereon such buildings and works as the Commission may require for its purposes. *Buildings.*

(2) All expenditures by the Commission for the purposes mentioned in subsection 1 shall be repayable to the Commission by the municipal corporations having contracts with the Commission, and shall be repaid by annual sums sufficient to form in forty years a sinking fund for the repayment of the cost thereof. 1918, c. 14, s. 9, *part.*

28. The Commission may, upon such terms as it deems proper, lease, sell or otherwise dispose of any property, real or personal, which the Commission may deem unnecessary for its purposes. 1915, c. 19, s. 10.

29.—(1) Where any of the compulsory powers mentioned in section 21 are exercised with respect to land, and no entry on or use of the land taken has been made, except for the purpose of survey or examination, the Commission, at any time before the expiration of three months from the date of the award, may, by writing under the hand of the chairman and the seal of the Commission, registered in the proper registry or land titles office, declare that the land or any part

thereof

thereof is not required and is abandoned by the Commission; and thereupon the land declared to be abandoned shall revest in the person from whom it was taken, or in those entitled to claim under him.

Total abandonment.

(2) Where the land taken, or any part thereof, is abandoned the person from whom it was taken shall be entitled to all damages sustained and all costs incurred by him in consequence of the taking and abandonment; and where part only of the land is abandoned the fact of such abandonment and the damages, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation, and the amount of the damages shall, subject to the provisions of section 31, be determined in the manner provided by *The Ontario Public Works Act*, and if a reference as to compensation is pending, shall be determined on such reference. R.S.O. 1914, c. 39, s. 11.

Rev. Stat.
c. 35.

Extent of
powers of
expropria-
tion.

30. The compulsory powers conferred by this Act shall extend to land, works, rights, powers, privileges and property notwithstanding that they are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking land compulsorily. R.S.O. 1914, c. 39, s. 12.

Appoint-
ment of sole
arbitrator
in lieu of
Rev. Stat.,
c. 35.

31.—(1) In lieu of the provisions of *The Ontario Public Works Act*, with respect to the appointment of arbitrators, where land or other property is taken or injured by the Commission in the doing of any work under the authority of the said Act, the Chief Justice of the Supreme Court of Ontario, upon the request of the Lieutenant-Governor in Council, may nominate some person who, in his opinion, is skilled in the valuing of real property, and upon such nomination being approved by the Lieutenant-Governor in Council, and until such approval is revoked, the person so nominated shall become and be the sole arbitrator for the purpose of any arbitration proceedings taken under the said Act to which proceedings the Commission is a party, but in all other respects the provisions of the said Act, including those relating to appeals, shall apply.

Determining
compensa-
tion before
sole
arbitrator is
appointed.

(2) Until such nomination is made and approved, and after such approval is revoked and until another nomination has been made and approved, the compensation to be paid to any person whose property may be taken or injured by the Commission, shall be determined under the provisions of the other sections of this Act which may be applicable. 1916, c. 19, s. 5.

TAXATION.

32.—(1) Notwithstanding anything in *The Assessment Act*, land owned by and vested in the Commission shall be subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality.

(2) Subject to the provisions of subsection 3, subsection 1 shall not apply to or include buildings, machinery, works, structures, substructures, superstructures, rails, ties, poles, and other property, works or improvements owned, used or controlled by the Commission, or to an easement or the right of use or occupation or other interest in land not owned by the Commission, but all such buildings, machinery, works, structures, substructures, superstructures, rails, ties, poles and other property, works or improvements owned, used or controlled by the Commission, and every such easement or right, shall continue to be exempt from assessment and taxation as heretofore. 1917, c. 20, s. 4.

(3) Where the Commission is carrying on the business of selling by retail electrical goods, supplies or appliances it may be assessed and shall thereupon be liable to taxation in respect of such business and the land and buildings owned or occupied for the purposes thereof in the same manner and to the same extent as a retail merchant carrying on the same business. 1925, c. 23, s. 4.

ADVANCES AND LOANS.

33. The Lieutenant-Governor in Council may raise by way of loan in the manner provided by *The Provincial Loans Act* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act; and such sums may be paid over to the Commission and shall be accounted for and audited in the manner provided for in this Act. R.S.O. 1914, c. 39, s. 14.

34. Where the Legislature has appropriated money for the purposes of the Commission, such money shall be payable out of such appropriation to the Commission from time to time, upon the requisition of the chairman of the Commission and the direction of the Lieutenant-Governor in Council, in such amounts and at such times as shall be stated in the requisition and direction, and this section shall have effect notwithstanding that there may be sums due from the Commission to the Province and notwithstanding anything in *The Audit Act*. 1916, c. 19, s. 6, part.

Where
appropriation
is
exhausted,
special
warrant
may issue.

35. Where the appropriation made by the Legislature for any work of the Commission shall become exhausted in any fiscal year, and the chairman of the Commission reports to the Lieutenant-Governor in Council that it is necessary and expedient that such work shall be proceeded with and that an additional amount is required for that purpose, the Lieutenant-Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required in such fiscal year, and when issued such amount shall be placed by the Treasurer of Ontario to the credit of a special account against which cheques may be issued in favour of the Commission for such sums as shall be required. 1920, c. 18, s. 4.

Interest on
advances by
Province.

36. The Commission shall pay annually to the Treasurer of Ontario, as interest on the indebtedness of the Commission to the Province, such sum as may be from time to time determined by the Lieutenant-Governor in Council to be sufficient to reimburse the Province the full amount of interest paid by the Government on moneys raised for the purposes of the Commission and the charges incurred by the Government in providing such money. 1918, c. 14, s. 7.

General
borrowing
powers.

37. Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow money for the purposes of the Commission, and issue bonds, debentures, and other securities of the Commission therefor. 1918, c. 14, s. 6, *part*.

Guarantee-
ing bonds of
Commission.

38. The Lieutenant-Governor in Council is hereby authorized, on such terms as may be approved by Order in Council, to agree to guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant-Governor in Council may approve. The said guarantee or guarantees shall be signed by the Treasurer of Ontario, or such other officer or officers as may be designated by the Lieutenant-Governor in Council, and upon being so signed, the Province of Ontario shall become liable for the payment of the principal and interest of the bonds, debentures and securities guaranteed, according to the tenor thereof; and the Lieutenant-Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees, and to advance the amount necessary for that purpose, out of the public funds of the Province; and, in the hands of any holder of any of such bonds, debentures or securities, any guarantee so signed shall be conclusive evidence that the terms of this section have been complied with. 1917, c. 20, s. 5, *part*.

39. The Lieutenant-Governor in Council may, on behalf of the Province of Ontario, enter into any covenants or agreements in connection with the acquisition by the Commission of any shares in any incorporated company, and guarantee the observance and performance by the Commission of any contract or agreement of the Commission in relation to such acquisition. 1917, c. 20, s. 5, *part*. Guaranteeing performance of contract for purchase of shares.

40. The Lieutenant-Governor in Council may guarantee the repayment of advances made by banks, or any other ^{by Province of advances from banks, etc.} indebtedness incurred by the Commission. 1918, c. 14, s. 6, *part*. Guarantee of advances from banks, etc.

BUSINESS OPERATIONS.

41.—(1) The Commission may, out of any funds in its hands, purchase such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of electrical power or energy, and may dispose thereof to municipal corporations and commissions, and to other persons, firms and corporations. 1916, c. 19, s. 8, *part*; 1918, c. 14, s. 8 (1). Commission may purchase and sell supplies.

(2) The Lieutenant-Governor in Council, upon the request of the Commission specifying— Manufacturing and dealing in supplies.

- (a) the nature and volume of the business to be carried on; and
- (b) the extent of the liability which may be incurred in connection therewith;

may authorize the Commission within the Province of Ontario to manufacture such electrical, hydraulic, or other machinery, appliances, apparatus and furnishings as may be used in the development, transmission, distribution, supply or use of electrical power, and to acquire patents of invention, or interests therein, and to sell and dispose of such machinery, appliances, furnishings or patent rights; and the profits and losses arising from such operation shall be adjusted and apportioned among the municipalities having contracts with the Commission, or be otherwise applied as the Commission shall see fit. 1918, c. 14, s. 8 (2).

(3) The Commission may—

Doing work for contracting municipalities.

- (a) undertake and carry out the preparation of plans, specifications and estimates for, and the construction, erection, installation and putting down of, any plant, machinery, and other things;

(b)

- (b) purchase supplies, wires, poles, and other things;
- (c) render engineering service,

for the transmission, distribution, supply or use of electrical power or energy for light, heat or power purposes, by a municipal corporation or commission which has entered into a contract with the Commission for the supply of electrical power or energy; and the Commission may charge and collect from such corporation or commission the cost of any work done or service rendered by the Commission under this subsection. 1916, c. 19, s. 8, *part*.

**By-products,
sale of, to
reduce cost
of power.**

42. Where, in the course of the operations of the Commission, any commodity is produced as a by-product or is found upon property vested in the Commission, the Commission may sell or otherwise dispose of such commodity at such prices and upon such terms as it may deem proper, and any revenue so obtained shall be applied in reduction of the cost of power to municipal corporations having contracts with the Commission for the supply of electrical power or energy from the works or property in connection with which the commodity is produced. *New.*

**Unused
works may
be utilized
to produce
revenue.**

43. Whenever any works constructed or acquired by the Commission for the purpose of supplying power or energy are not in use for that purpose, the Commission with the approval of the Lieutenant-Governor in Council may utilize them for such revenue producing purposes as it may deem proper, and any revenue so derived shall be applied in the reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission for the supply of electrical power or energy from such works. *New.*

PART II.

SUPPLY OF POWER.

**Application
to Commis-
sion for
supply of
power to
municipal
corporation.**

44.—(1) Any municipal corporation may apply to the Commission for the transmission and supply to the corporation of electrical power or energy for the use of the corporation and the inhabitants of the municipality for lighting, heating and power purposes, or for any of such purposes, or for any of the purposes mentioned in section 51.

**Information
and esti-
mates to be
supplied by
Commission.**

(2) The Commission shall thereupon furnish to the corporation an estimate of the cost per horse-power at which the electrical power or energy can be supplied to the corporation, including an estimate of the cost of the works by means of which the amount of electrical power or energy required by the corporation is to be supplied; and the

Commission may furnish to the corporation, plans and specifications of the works necessary for the distribution of such power or energy by the corporation and an estimate of the cost thereof, and such other information as the Commission may deem advisable.

(3) The corporation may thereupon submit to a vote of electors of the municipality, in accordance with the provisions of *The Municipal Act*, a question as to securing a supply of electrical power or energy from the Commission; and if a majority of the electors vote in the affirmative, the council of the corporation may, by by-law, authorize the entering into, and the corporation shall thereupon enter into, a contract with the Commission in such form as may be approved by the Lieutenant-Governor in Council, and it shall not be necessary to submit a by-law approving thereof for the assent of the electors, and such contract shall be valid and binding. R.S.O. 1914, c. 39, s. 18.

(4) Notwithstanding anything in *The Municipal Act* or in any general or special Act, debentures issued or purporting to be issued by a municipal corporation which has entered into a contract with the Commission for a supply of electrical power or energy from the Commission for the purpose of carrying out such contract, or for constructing or equipping works for the development, transmission and distribution of electrical power or energy so supplied, shall not be included in ascertaining the limits of the borrowing powers of the corporation as prescribed by *The Municipal Act*, or in any general or special Act. 1917, c. 20, s. 6.

45. A municipal corporation which has entered into a contract for the supply of electrical power or energy by the Commission may, by its officers, agents, servants and workmen, enter into and upon the lands of any person, including lanes, courts, yards and buildings, for the purpose of placing overhead or underground wires with their appurtenances without the consent of the owner or occupant of such property, but subject to the payment of compensation for any damage caused thereby, to be determined in the manner provided by *The Municipal Act* where a municipal corporation enters upon and takes land for the purposes of the corporation, but leave of a judge or payment into court shall not be necessary before the exercise of the powers vested by this section in the municipal corporation. 1915, c. 19, s. 15, *part*.

ENFORCEMENT OF AGREEMENTS.

46. Notwithstanding any provision in the contract or agreement entered into between a municipal corporation and the

Vote of electors.

Contract with Commission.

Debentures of contracting municipality not to be included in ascertaining limit of borrowing powers.

Right to enter on lands to put up wires, etc.

1922, c. 72.

Enforcement of agreements with municipal corporations.

the

the Commission providing for the determination of questions arising under the contract or agreement, or for the settlement of any dispute between the municipal corporation and the Commission by the Lieutenant-Governor in Council or in any other manner, the Commission may bring an action for any breach of the contract or agreement on the part of the municipal corporation, and the court may in any such action grant an injunction restraining the municipal corporation from doing any act or continuing any such breach, may order the municipal corporation to supply any omission or to do any act required to be done by the corporation under the terms of the contract or agreement, and may award to the Commission such sum as damages for any such breach as the court may consider a fitting penalty to impose upon the municipal corporation therefor. 1915, c. 19, s. 15, *part*.

POLICE VILLAGES.

Trustees of police village may contract with Commission.

47.—(1) The trustees of a police village shall, for the purposes of this Part, be deemed a municipal corporation, and may exercise all the powers conferred upon municipal corporations by this Part, and may enter into a contract with the Commission for the supply of electrical power or energy as provided by this Act.

Submission of by-law to electors.

(2) The council of the township or the councils of the townships in which the police village is situate, upon the request of the police trustees, shall submit the question as to the supply of electrical power or energy provided for by section 44, to a vote of the electors of the police village qualified to vote thereon, and shall upon the like request, issue debentures as provided by this Act.

Township to levy special rate.

(3) The council of the township in which the police village or any part thereof is situate shall annually levy by special rate upon the rateable property in the police village, or in that part of the police village situate in the township, the amounts required to meet the payments to be made to the Commission, and to pay off the debentures issued under subsection 2. R.S.O. 1914, c. 39, s. 19.

Extension etc. of works in police village.

By-law.

48.—(1) Where the trustees of a police village have entered into a contract with the Commission for the supply of electrical power or energy, and have heretofore constructed, purchased or acquired, or hereafter construct, purchase or acquire, works for distributing electrical power or energy, and the trustees of the police village desire to extend or improve such works, they may apply to the council of the township for the passing of a by-law for the issue of debentures for such extension or improvement, and the council

shall

shall pass the necessary by-law for borrowing such further sums as may be necessary for such extension or improvement, and for levying by an annual special rate upon the rateable property in the police village the sums required for the payment of the debentures issued for the extensions or improvements.

(2) The by-law shall be approved by the Commission ^{Assent of electors not required.} before the final passing thereof, but shall not require the assent of the electors.

(3) The said approval may be given if it is shown to the ^{Approval of Commission.} satisfaction of the Commission that the said extension or improvement is necessary or desirable, and that sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon. 1917, c. 20, s. 7 (1).

49.—(1) The trustees of a police village shall be a commission for the control and management of works established ^{Trustees, duties and powers of} for the distribution of electrical power or energy in the police village, and shall have and may exercise and perform the like powers and duties as nearly as may be as a commission ^{Rev. Stat., c. 204.} formed under *The Public Utilities Act* in an incorporated village.

(2) The trustees of a police village shall appoint a ^{Secretary-treasurer.} competent person to act as secretary-treasurer for the purpose of keeping the accounts of the trustees for the distribution and supply of electrical power or energy and acting as custodian of funds collected by the trustees or received by them from the treasurer of the township for the establishment of works in connection with the distribution of power.

(3) The secretary-treasurer shall give security for the due ^{Security} accounting of all sums of money coming to his hands and for the payment over to the township treasurer of the sums required from time to time to meet payments coming due for interest and to provide a sinking fund for the payment of any debentures issued for the works undertaken by the trustees under any contract with the Commission.

(4) The accounts of the secretary-treasurer shall be audited ^{Audit of accounts.} by the auditor of the township in which the police village is situate, or if the police village includes parts of two or more townships, then by the auditor of that township having the highest assessment in the police village. 1922, c. 31, s. 2.

AREAS IN TOWNSHIPS.

Township distribution works.

50.—(1) Notwithstanding anything in *The Public Utilities Act*, or in any other Act, the council of a township may pass by-laws—

Lands and works.

(a) for acquiring real and personal property, and acquiring, constructing, reconstructing, extending and operating works for the development, transmission and distribution of electrical power or energy in the municipality. 1917, c. 20, s. 8, *part*; 1924, c. 23, s. 6.

Contract with Commission.

(b) for entering into a contract with the Commission, with the assent of the municipal electors of the township qualified to vote on money by-laws, for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof;

General powers.

1922, c. 72
Rev. Stat.,
cc. 193, 204.

(c) for exercising, for the said purposes, any of the powers which may be exercised by the municipal council of a town under the authority of *The Municipal Act*, *The Local Improvement Act*, *The Public Utilities Act*, or this Act. 1917, c. 20, s. 8.

Areas.

(2) The council may, from time to time, with the approval of the Commission, by by-law, set apart an area in the township as to which any of the by-laws passed under subsection 1 may have effect.

Submission of by-law.

(3) The by-law for the establishment of the works mentioned in subsection 1, or for entering into the contract with the Commission, may be submitted to the municipal electors qualified to vote on money by-laws in the area so set apart.

Alteration of areas.

(4) The council, with the approval of the Commission, may, from time to time, by by-law, enlarge or alter the boundaries of any such area, or incorporate with it any other such area. 1924, c. 23, s. 7.

Debentures.

(5) Where the council has passed a by-law under subsections 2 and 3, or subsection 4, the council may issue debentures for the purposes set out in subsection 1, and levy the special rate for the amounts required to be raised on account of sinking fund and interest for the payment of the said debentures, in the district so set apart, or as enlarged or altered, and notwithstanding anything in *The Municipal Act* or in any other Act it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures. 1917, c. 20, s. 8, *part*; 1924, c. 23, s. 8.

(6) The council may establish a commission for the purpose of the construction of the works, and the control and management thereof in the manner provided by section 34 of *The Public Utilities Act*, but the commissioners elected shall be residents of the district so set apart or as enlarged or altered, and it shall not be necessary to obtain the assent of the electors to the establishment of the commission. 1917, c. 20, s. 8; 1922, c. 31, s. 3; 1924, c. 23, s. 9.

Commission
for con-
struction
and manage-
ment of
works.
Rev. Stat.
c. 204.

POWERS OF MUNICIPALITIES.

51.—(1) In addition to the powers conferred by this Act, Supply of light, heat and power. a municipal corporation which has entered into a contract with the Commission for the supply of electrical power or energy shall have and may exercise in respect of such power or energy all the powers which are by *The Public Utilities Act* or Rev. Stat., c. 204, *The Municipal Act* conferred upon corporations in respect of 1922, c. 72. light and heat, and all the powers which are conferred upon corporations by *The Municipal Act* for contracting debts Debts. for any purpose within the jurisdiction of the council thereof, and also the power to expropriate land, making compensation priation. therefor under the provisions of *The Municipal Act*.

(2) The council of a municipal corporation may, if it sees fit, submit to the electors a by-law providing for borrowing, money. By-law for borrowing money. by the issue of debentures, the money required for any of the purposes mentioned or referred to in sections 44 and 47 and in this section at the same time as such council submits to the electors a question as to supply of electrical power under section 44, and such by-law for borrowing money may be finally passed either before or after such corporation has entered into a contract with the Commission for the supply of electrical power or energy; but the debentures authorized by such by-law shall not be issued until the corporation has entered into a contract with the Commission for the supply of such electrical power or energy.

(3) A municipal corporation which has entered into a contract with the Commission under this Act may, from time to time, with the approval of the Commission, contract with Supplying power outside of any other municipal corporation or with any person for the supply or distribution of electrical power or energy in any other municipality, and such other municipal corporation shall have authority to enter into the contract; but a municipal corporation shall not exercise the power conferred by this section in another municipality without the consent of the council thereof. R.S.O. 1914, c. 39, s. 20.

Supplying
power
outside of
municipality.

CONTRACTS OF COMMISSION.

Supply of power.

52.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract with a railway company or a distributing company or with any other corporation or person for the supply of electrical power or energy.

Profits to be applied in reducing cost of maintenance to municipalities.

(2) Any net profit made by the Commission in supplying power under subsection 1, after making provision for the cost of acquiring or constructing and of maintaining the works by means of which the power or energy is supplied, shall be applied in reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission.

Agreements for use of right-of-way of railway, power and transmission companies.

(3) The Commission may, with the approval of the Lieutenant-Governor in Council, contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission. R.S.O. 1914, c. 39, s. 21.

Approval of Lieutenant-Governor in Council not required to certain contracts.

53. Notwithstanding anything in section 52, it shall not be necessary to obtain the approval of the Lieutenant-Governor in Council to any contract for a supply by the Commission of electrical power or energy to any person from works which the Commission has acquired or constructed and is operating for the distribution of electrical power or energy. 1920, c. 18, s. 3, *part*.

Effect of approval of agreements by Commission.

54. Where the Commission has heretofore entered or shall hereafter enter into an agreement for the supplying of electrical power or energy or for any other work or service to be done or supplied by or to the Commission, and such agreement has been or shall hereafter be submitted to and approved by the Lieutenant-Governor in Council, such agreement shall thereupon be valid and binding upon the parties thereto and shall not be open to question upon any grounds whatsoever, anything in this Act or in any other Act to the contrary notwithstanding. 1920, c. 18, s. 3, *part*.

Enforcing payment of arrears of rates and charges.

55.—(1) Where the Commission supplies or distributes power directly to the consumer either on its own behalf or by arrangement or under contract with the municipal corporation, the amount payable by the owner or occupant of any building or lot, or part of lot, for the electrical power or energy supplied to him for use therein or thereon, and all rents, rates, costs and charges in connection with the service or supply of such power or energy or the installation of any

works for such service or supply shall be a lien and charge upon the building or lot or part of lot in the same manner and to the same extent as municipal taxes on land; and in default of payment the clerk of the municipality, upon being notified in writing by the Commission of the sum due, shall forthwith enter the same upon the collector's roll and it shall be collected in the same manner as municipal taxes on land and upon recovery thereof shall be paid over to the Commission: Provided that when a mortgage or lease of the building or lot, or part of lot, in question has been duly registered prior to an entry upon the collector's roll as above described, the lien and charge hereby created shall rank after advances actually made under such mortgage and after rent accrued due under such lease prior to such entry.

Lien for
rates to be
postponed
on mort-
gages or
leases prior
to entry
on roll.

(2) For the purposes of this section, electrical power or energy shall be deemed to be supplied to the consumer not only when it is actually used by the owner or occupant but when it is rendered available or held in reserve for him under the terms of his contract with the Commission or the municipal corporation. 1924, c. 23, s. 19.

56. The expenditure by the Commission upon any works undertaken under the provisions of this Act for the benefit of any municipality which has entered into a contract with the Commission shall be repayable to the Commission by such municipality. 1918, c. 14, s. 10.

57. The price payable for power or energy by any municipal corporation under the terms of a contract entered into with the Commission shall be the cost of purchase or generation and delivery, and shall include its proportion, as adjusted by the Commission, of,—

- (a) the cost of operating, maintaining, renewing and insuring the works and the cost of administration of the Commission;
- (b) interest at the rate or rates payable by the Commission upon the money expended by, or the obligations assumed by the Commission in the construction or purchase of works, and upon all such other expenditures as the Commission may make under the provisions of this Act and upon working capital;
- (c) an annual sum sufficient to form in forty years with interest at four per centum per annum a sinking fund for the repayment of the advances made by the Province of Ontario under this Act for the payment

of the cost of the works and also for the repayment of any other indebtedness incurred or assumed by the Commission in respect of the cost of the works. *See R.S.O. 1914, c. 39, s. 23.*

**Collection
of moneys
from municipali-
ties on sinking
fund account.**

58. Notwithstanding anything in this Act, a municipal corporation which has entered into or shall hereafter enter into a contract with the Commission for a supply of power may be relieved by the Commission from payment of any sum on account of the sinking fund account for the first five years during which payments are made to the Commission by the corporation under such contract, and the amounts required from such corporation on sinking fund account shall be payable during the then next ensuing forty years. 1917, c. 20, s. 13.

**Extending
time for
payments
by municipali-
ties.**

59. The Commission may, during the first three years after any municipality shall first begin to take power from the Commission, extend the time for payment of any sum payable by a municipality, and such municipality shall pay to the Commission interest on the amount which may be in arrear or for the payment for which time is extended until the payment thereof, at such rate not exceeding seven per cent. per annum as the Commission may determine. 1918, c. 14, s. 12.

**Surplus
funds,—
application
of.**

60. Any surplus held by the Commission to the credit of any municipality may be retained by the Commission as security against future obligations to the Commission of the same municipality for so long during the continuance of the contract of the municipality as the Commission may think fit, but the Commission shall allow to the municipality interest at the rate of four per cent. per annum upon the amount of such surplus retained by the Commission. 1918, c. 14, s. 4, *part*.

**What to
be deemed
a system.**

**Alteration
in power
systems.**

61. Where, by contract with the Commission, one or more municipalities have assumed the cost of the purchase of, or works for the development of, electrical energy for the supply of such municipality or municipalities under the provisions of this Act, such municipality or municipalities shall, for the purpose of this Act, be defined as a "system," and the Commission, on such conditions as may be deemed equitable or advisable, may include in any such system one or more other such municipalities, whether already part of any system or not, or may unite any two or more systems in one system, and may join in a system two or more such municipalities whether already part of any system or not; and for the purposes of this section an area set apart under section 50, or a rural power district, may be considered as a municipality. 1918, c. 14, s. 13, *part*; 1924, c. 23, s. 11 (1).

62.—(1) Wherever physical connections may be made Supplying power between any of the systems operating under this Act, the from one system to another. Commission may make the necessary connections so as to divert power from any one system to any other system; and the means of such connection, and the price to be paid by the system receiving such power to the system supplying such power, shall in all cases be determined by the Commission, and the cost of the power so taken by any one system from any other shall be dealt with by the Commission under the provisions of this Act as the cost or part of the cost of the power to be paid by the municipalities forming part of such system, under their contracts with the Commission. 1918, c. 14, s. 13, *part*.

(2) The price payable for power by one system to another Adjustment between systems. shall be collected by the Commission from the system owing the same for the system entitled to receive the same, and all sums so paid to any system shall be applied to the cost of construction, maintenance and operation of such system in such manner as the Commission may direct. 1918, c. 14, s. 13, *part*.

63.—(1) The Commission shall annually adjust and Apportion-
ment of amounts payable by municipal corporations amounts payable by municipali-
ties under sections 57 to 62. R.S.O. 1914, c. 39, s. 24.

(2) The Commission shall also annually adjust and apportion among the municipalities all such expenditures, made by the Commission in exercise of the powers conferred upon the Commission by this Act, as have been incurred for or on behalf of the municipalities. Annual adjustment of expenditures for municipalities.

(3) The adjustment and apportionment made by the Commission shall be final and binding upon the municipal corporations. 1918, c. 14, s. 14. Adjustment to be final.

PART III.

SUPPLY OF POWER FOR STREET LIGHTING IN TOWNSHIPS.

64.—(1) A majority of the resident freeholders according to the last revised assessment roll, residing within the area described in the petition and situated in the township, may petition the council of the township to take the necessary proceedings to procure from the Commission a supply of electrical power or energy for the purpose of lighting the highways in the area described in the petition. Petition of residents in an area for supply for street lighting.

(2) The petition shall be accompanied by the certificate of the clerk of the township stating that the petition is signed Certificate as to sufficiency of signatures.

by a majority of the resident freeholders in the area described in the petition as shown by the last revised assessment roll. 1914, c. 16, s. 5, *part*.

Application
by council
to the
Commission.

(3) The council of the corporation shall thereupon request the Commission to supply electrical power or energy for the purposes mentioned in the petition.

Estimate of
cost to be
furnished
on request.

(4) Upon such request the Commission shall furnish to the corporation an estimate of the cost of electrical power or energy for the purpose of lighting the highways in the area defined in the petition, and may furnish to the corporation,—

- (a) plans and specifications of the works necessary for the distribution of such power or energy;
- (b) an estimate of the cost of such works; and
- (c) such other information as the Commission may deem advisable. 1914, c. 16, s. 5, *part*.

Application
of section.

(5) This section shall not apply to any area within a rural power district.

Considera-
tion of the
estimates,
etc., by the
council.

65.—(1) Within one month after the delivery of the statements and estimates mentioned in section 64, the council shall, at a special meeting called for that purpose, of which notice shall have been given to each of the petitioners, consider the statements and estimates furnished by the Commission.

With-
drawal of
petitioners.

(2) If at such meeting the petitioners or any of them desire to withdraw their names from the petition they may do so, and should the remaining names be insufficient to constitute a majority of the resident freeholders in the area described in the petition, no further proceedings shall be taken thereon.

Council
may pass
a by-law
authorizing
contract.

(3) If, at the close of the meeting, there are sufficient names remaining of the petitioners to constitute a majority of the resident freeholders in the area described in the petition, the corporation may, without submitting a by-law to a vote of the electors, and without any of the other formalities required in the case of a by-law under Part II, pass a by-law for entering into a contract with the Commission for the supply of electrical power or energy for the purposes required by the petitioners and may enter into a contract with the Commission for that purpose. 1914, c. 16, s. 5, *part*.

Where areas
altered.

(4) Upon similar procedure, the corporation may, from time to time by by-law, enlarge or alter the boundaries of any such area, and thereupon the contract mentioned in subsection 3 shall apply to such area as enlarged or altered.

(5) The by-law may provide for the issue of debentures of ^{Debenture issue.} the corporation payable within twenty years from the issue thereof, to meet the cost of construction and installation of the works necessary for the distribution of the electrical power or energy, and for the levying of a special rate for payment of principal and interest, in the manner provided by *The Municipal Act*, upon the taxable property within the area described in the petition, or within such area as enlarged or altered. 1914, c. 16, s. 5, *part*.

(6) All moneys required to meet the costs incurred by the ^{Special rate on property affected.} corporation under this Part shall be raised, levied and collected by an annual special rate upon the taxable property within the area described in the petition, or within such area as enlarged or altered. 1914, c. 16, s. 5, *part*.

(7) The council of the corporation may by by-law without ^{Council may assume part of cost.} the assent of the electors provide that such part of the said costs as to the council may seem proper shall be paid by the corporation and while the said by-law remains in force only the moneys required to meet the balance of the said costs shall be raised in the manner prescribed in subsection 6 of this section. *New.*

66. All the provisions of Part II, as to the annual payments to be made by corporations which have entered into contracts with the Commission, shall apply to contracts entered into under this Part, and shall extend to the works constructed under the last-mentioned contracts. 1914, c. 16, s. 5, *part*.

PART IV.

DISTRIBUTION OF POWER IN RURAL POWER DISTRICTS.

67. Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract with the municipal corporation of a township, or with the municipal corporations of two or more townships, for the supply and distribution by the Commission of electrical power or energy in the township or townships; and the Commission may, with the approval of the corporation, lay out and define areas, hereinafter called "rural power districts," in the township or townships for the distribution of electrical power or energy; and the Commission may, on behalf of the corporation,

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the transmission to, and the transforming and distributing in, any such rural power district of electrical power or energy;
- (b) supply electrical power or energy to customers of the corporation in any such rural power district;
- (c)

(c) perform, enjoy, and enforce all contracts in which the corporation agrees to supply or sell electrical power or energy to any such customer or at any premises within such rural power district;

Alteration of boundaries. and the Commission may, with the approval of the corporation, enlarge or alter the boundaries of any rural power district. 1922, c. 31, s. 4; 1924, c. 23, s. 13.

**Commission
may take
over existing
distribution
system.**

68. Whenever the municipal corporation of any such township at the time of entering into the contract has been operating a distribution system for distributing electrical power or energy to inhabitants of the township, or has a contract with the Commission for a supply of electrical power or energy under any other Part of this Act, the Commission, with the approval of the municipal corporation, may take over, acquire, reconstruct, extend and operate such distribution system, and may perform, enjoy and enforce the contracts with the customers thereof, and may incorporate such system in a rural power district. 1924, c. 23, s. 14.

**Police village
not to be
deemed
separate
corporation.**

69. Notwithstanding anything in this Act, a police village the trustees of which have not a subsisting contract with the Commission, shall not be considered a separate corporation from the township or townships out of which it was formed for the purposes of this Part.

**Assent of
electors not
required to
contract.**

70. The council of the township or the council of each of the townships entering into a contract under section 67 or section 68 may pass a by-law for entering into such contract, and the corporation of the township may execute the contract, and it shall not be necessary to submit any such by-law to the vote of the electors or to comply with any of the other formalities required in the case of a by-law under Part II. 1924, c. 23, s. 15.

**Application
of Part II
as to annual
payments.**

71. All the provisions of Part II as to the annual payments to be made by the corporations which have entered into contracts with the Commission shall apply to a contract entered into under this Part, and shall extend to the works constructed under the contract for transforming, distributing and supplying electrical power or energy in a rural power district. 1920, c. 18, s. 5, *part.*

**Rates to
be fixed by
Commission.**

72. The rates to be charged to customers receiving electrical power or energy from the Commission in a rural power district shall be fixed by the Commission, and shall be sufficient to provide the sum necessary to pay all the charges to be

borne by the corporation under section 71. 1920, c. 18, s. 5, *part.*

73. The Commission shall annually fix, adjust and apportion the cost of all the works mentioned in sections 67 and 68 to be borne by each of the municipal corporations entering into such contract. 1920, c. 18, s. 5, *part.*

STREET LIGHTING IN RURAL POWER DISTRICTS.

74.—(1) A corporation which has entered into a contract with the Commission under this Part may, under the procedure provided for in section 64 and subsections 1, 2, and 3 of section 65, enter into a contract with the Commission for the lighting by the Commission of highways in any area in a rural power district, and in pursuance of such contract the Commission may, on behalf of the corporation, acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the lighting of the highways in such area.

(2) Upon similar procedure the corporation, with the approval of the Commission, may enlarge or alter the boundaries of any such area within any rural power district, and thereupon the contract mentioned in subsection 1 shall apply to such area as enlarged or altered.

(3) All the works mentioned in subsection 1 shall be deemed street lighting works and shall not form any part of the primary or secondary lines in the rural power district.

(4) All the provisions of Part II as to the annual payments to be made by the corporations which have entered into contracts with the Commission shall apply to a contract entered into under this section and shall extend to all works constructed under such contract.

(5) All moneys required to meet the costs incurred by the corporation under this section shall be raised, levied and collected by an annual special rate upon the taxable property lying within the area described in the petition, or within such area as enlarged or altered.

PART V.

CONTROL AND REGULATION BY COMMISSION.

75. In this section and in sections 76, 77 and 79:

Interpretation.

(a) "corporation" shall mean and include a municipal corporation, an incorporated company, or an individual

or

or firm duly authorized by municipal by-law or agreement to construct and operate works for conducting, furnishing or distributing electricity for light, heat or power purposes in, under or upon any highway, and shall include any board or commission incorporated or unincorporated acting on behalf of a municipal corporation or of the inhabitants of a municipality;

"Highway."

(b) "highway" shall include a street, lane, road, square or other public communication;

"Works."

(c) "works" shall include wires, pipes, poles, conduits, ducts and other fixtures, appliances or apparatus.
R.S.O. 1914, c. 39, s. 31.

**Approval of
distributing
works.**

76.—(1) Where a corporation has constructed or desires to construct works for conducting, furnishing or distributing electricity for light, heat or power purposes, in, under or upon any highway, or part of a highway, in, under or upon which any other corporation has already constructed and has works for the like purposes, or any of them, upon the application of the first mentioned corporation and after notice to the other and hearing any objections which it may make, the Commission may, if it is of opinion that the location and mode of construction of such works are proper, approve thereof; and all works which such first mentioned corporation has constructed or may thereafter construct, the location and mode of construction of which have been so approved, shall be deemed to have been constructed under statutory authority and to be lawfully constructed, and may be maintained and operated by such corporation without its incurring any liability to any other corporation in respect of the construction, maintenance or operation of such works, except that provided for by section 77, any statute or law to the contrary notwithstanding.

**Approval
upon con-
ditions.**

(2) Such approval may be given subject to such conditions as the Commission may deem necessary to prevent injury to the works of the other corporation, or to its works, servants or workmen in maintaining, repairing or operating them.

Insulation

(3) Where the Commission is of opinion that it is necessary or expedient, in order to prevent danger from contact between the wires of different corporations or from any other cause, that insulators or other appliances should be affixed to the poles of either corporation, or that the wires of either of them should be attached to such insulators or other appliances, the Commission may authorize or direct such insulators or other appliances to be so affixed and such wires to be so

attached in such manner as the Commission may deem best calculated to prevent such danger; and anything done by either corporation pursuant to such authority or direction shall be deemed to be lawfully done.

(4) Any thing authorized or directed to be done under the provisions of subsection 3 shall be done at the expense of a corporation constructing the works in a locality in which works have already been constructed by another corporation and under such supervision as the Commission may direct. R.S.O. 1914, c. 39, s. 32 (1-4).

77.—(1) If any damage or injury is done to the works of a corporation or any of them, or is occasioned in the maintenance or operation of them, by reason of the works of another corporation or any of them being constructed or operated in closer proximity to the works of such first mentioned corporation than, but for the provisions of section 76, would have been lawful, no action shall lie in respect thereof, but the corporation doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned, or as to the amount of the compensation, shall be determined by arbitration, and the provisions of *The Municipal Act* 1922, o. 72, with respect to arbitration in the case of claims against municipal corporations shall apply *mutatis mutandis* to the procedure upon an arbitration under this section.

(2) The corporation claiming damages shall, within one month after the expiration of any calendar year in which it claims that any such damage or injury has been so done or occasioned, give notice in writing to the other corporation of its claim and of the particulars thereof, and upon failure to do so the right to compensation in respect of the damage or injury done or occasioned during that calendar year shall be forever barred. R.S.O. 1914, c. 39, s. 33.

78. The Commission shall have exclusive jurisdiction as to all matters in respect of which authority is, by sections 75, 76 and 77, conferred upon it, and nothing done by the Commission within its jurisdiction shall be open to question or review in any action or proceeding or by any court. R.S.O. 1914, c. 39, s. 34.

79. No court shall have authority to grant or shall grant injunction or other order restraining, either temporarily or otherwise, the construction, maintenance or operation of any works the location and mode of construction of which have been approved by the Commission if such works are

being, or have been, constructed in the place and according to the mode which have been so approved. R.S.O. 1914, c. 39, s. 35.

**Complaints
as to rates
charged for
light, heat
or power.**

80.—(1) Upon the complaint in writing of any municipal corporation, company or person that any municipal corporation, company or person receiving power from the Commission is charging for electric lighting or heating or for electrical power or energy a rate which is excessive or unfair, or that any municipal corporation is making use of the power conferred upon it by this Act for the purpose of granting a bonus by supplying power, light or heat below cost to manufacturers or others, the chairman of the Commission may appoint a time and place at which the Commission or some member thereof will hear and determine the matter of the complaint; and such notice of the appointment as the chairman may direct shall be given by the secretary of the Commission to such persons as the chairman may direct.

**Hearing of
complaints.**

(2) At the time and place appointed the Commission or a member thereof shall hear and determine the matter of the complaint, and may dismiss or allow the complaint, and may regulate and determine the rates to be charged, and may direct the amendment of any by-law or agreement accordingly, or may make such order as may seem meet.

**Powers of
Commission
on enquiry.**

**Rev. Stat.,
c. 18.**

(3) The Commission, or the member thereof hearing the complaint, shall have all the powers authorized to be conferred upon a commissioner appointed under *The Public Enquiries Act*. R.S.O. 1914, c. 39, s. 36.

**Regulations
as to.—**

81.—(1) The Commission may, with the approval of the Lieutenant-Governor in Council, make rules and regulations:

**Construction
of works, etc.**

(a) prescribing the design, construction, installation, protection, use, maintenance, repair, extension, alteration, connection and disconnection of all works and matters used or to be used in the generation, transformation, transmission, distribution, delivery or use of electrical power or energy in Ontario;

**Use of
works until
authorized.**

(b) prohibiting the use in Ontario of any such works or matters until they shall have been inspected and approved;

**Advertising
or sale of
works in un-
authorized
manner.**

(c) prohibiting the advertising, display, offering for sale, or other disposal, and the sale or other disposal, publicly or privately, in Ontario, of any such works or matters unless and until they shall have been inspected and approved, and prescribing the pre-

cautions to be taken in the sale or other disposal of such works or matters and the warnings and instructions to be given to purchasers and others in advertisements and by circular or otherwise in order to prevent their use in such manner or under such conditions as may be likely to result in undue hazard to persons or property;

(d) providing for the inspection, test and approval of Inspection test and all such works and matters before being used for approval. any such purposes.

(2) The Commission may prepare and issue plans and Issuing of plans and specifications governing the design, construction and test specifications. of any of the works or matters mentioned in subsection 1, and may amend or alter such plans and specifications.

(3) The Commission may issue such orders relating to Orders work to be done in the installation, removal, alteration, installations, repair, protection, connection or disconnection of any of the alterations, etc. works or matters mentioned in subsection 1 as the Commission may deem necessary for the safety of the public, or of workmen, or for the protection of property.

(4) The Commission may appoint such inspectors and other officers as it may deem necessary for the purposes of this Appoint- ment of inspectorial staff.

(5) The Commission may prescribe the fees to be paid for permits and for inspection, test and approval of all such inspection, fees for test and approval. works and matters mentioned in subsection 1 and of plans and specifications relating thereto, and may prescribe also the time and manner of payment of such fees.

(6) The Commission shall collect the fees prescribed by Collection and dis- position of fees and fines. it under the authority of subsection 5, and shall provide for the remuneration, travelling and other expenses of the said inspectors and other qualified persons, together with all other expenses incurred in carrying out the provisions of this section, out of the said fees and out of any fines imposed for breach of any of the provisions of this section or of any rules, regulations, plans, specifications or orders made under the authority thereof, and out of the funds appropriated for carrying out the work of the Commission.

(7) Every inspector appointed under the authority of this Powers of inspectors. section may, at any reasonable hour, enter upon, pass over or through any land, building or premises for the purpose of performing the duties assigned to him under the authority of this section.

Liability.

(8) Nothing in this Act or in any of the rules or regulations, plans, specifications or orders issued under the authority of this section shall render the Commission or any of its inspectors or other employees liable, or shall affect the liability of any municipal or other corporation or commission, company, firm or individual, for any injury, loss or other damages caused to any person or property by reason of defects in any of the works or matters mentioned in this section or by reason of any order of the Commission, notwithstanding any inspection or test or the issue of any certificate by the Commission or by any of its inspectors or other employees.

Penalties—

(9) Every municipal or other corporation or commission, and every company, firm or individual,—

For interference;

(a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of his duty under this section shall incur a penalty of not less than \$10 or more than \$50 for each offence;

For disobedience to regulations;

(b) refusing or neglecting to comply with the provisions of this section, or with any rule or regulation, plan or specification made under the authority thereof, shall incur a penalty of not less than \$10 or more than \$50 for each offence;

For disobedience to order.

(c) refusing or neglecting to comply with any order issued by the Commission under the authority of subsection 3 shall incur a penalty of not less than \$100 or more than \$500 and a further penalty of not less than \$100 or more than \$500 for each and every separate day upon which such refusal or neglect is repeated or continued.

Recovery of penalties.

(10) The penalties imposed by or under the authority of this section shall be recoverable under *The Ontario Summary Convictions Act* and shall be paid over to the Commission.

Section not to apply to mines.

(11) This section shall not apply to any mine as defined under *The Mining Act*, save only as regards any dwelling house or other building not connected with or required for mining operations or purposes or used for the treatment of ore or mineral. 1924, c. 23, s. 17.

Debentures for extension or improvement not to be issued without approval of Commission.

82.—(1) A municipal corporation which has entered into a contract with the Commission for the supply of electrical power or energy shall not pass any by-law for the issue of debentures, or borrow money by other means, for any extension or improvement to an electrical light, heat or power system

without

without having first obtained the assent of the Commission to the amount of such issue and borrowing and the purposes to which the proceeds of such issue are to be applied.

(2) Every member of the council of the municipal corporation passing a by-law in contravention of subsection 1 shall be personally responsible for any loss or expense occasioned to the corporation by such action unless he shows that he voted against the passing of such by-law or did everything in his power to prevent the passing of the by-law.

(3) Every by-law passed in contravention of subsection 1 shall be illegal and void, and the Commission may take the same proceedings for quashing such by-law, or restraining the corporation from issuing debentures thereunder, as might be taken by a ratepayer of the municipality.

(4) This section shall have effect, notwithstanding the provisions of any other general or special Act heretofore enacted relating to any municipal corporation. 1917, c. 20, s. 9.

83. The rates chargeable by any municipal corporation generating or receiving and distributing electrical power or energy shall at all times be subject to the approval and control of the Commission; and the rates charged by any company or individual receiving power from the Commission for the supply of electrical power or energy shall at all times be subject to such approval and control. R.S.O. 1914, c. 39, s. 38, *part*.

84. The Commission may prescribe a system of book-keeping and keeping accounts of the assets, liabilities, revenue and expenditure of any municipal corporation or municipal commission, and may require from such municipal corporation or commission such returns and statements as the Commission may deem proper, and may extract from such books, returns and statements such information as in the opinion of the Commission may be useful for publication and may embody such information in the reports of the Commission. R.S.O. 1914, c. 39, s. 38, *part*.

85. Section 58 of *The Ontario Railway and Municipal Board Act* shall not apply to municipal corporations or municipal commissions which are subject to the provisions of sections 83 and 84 of this Act, in so far as the said sections relate to the development or distribution of electrical power or energy. R.S.O. 1914, c. 39, s. 38, *part*.

Insurance by municipalities.

86.—(1) Every municipal corporation and municipal commission having a contract with the Commission for the supply of electrical power or energy shall maintain insurance against loss or damage to the person and property of employees and others occurring during the course of the operations of such corporation or commission.

Amount and terms.

(2) The insurance shall be for such amount and upon such terms and conditions as the Commission may direct and approve.

Insurance fund.

(3) In lieu of such insurance, such corporation or commission may, with the approval of the Commission, establish a fund sufficient, in the opinion of the Commission, to protect such corporation or commission against any such loss or damage.

Group Insurance for municipalities.

(4) The Commission at the request of any municipal corporation or commission may enter into a contract with an insurance corporation for effecting such insurance on behalf of the municipal corporation or commission as may be required under the provisions of subsections 1 and 2, anything in *The Ontario Insurance Act, 1924*, or any other general or special Act to the contrary notwithstanding, and the cost of insurance so effected by the Commission in default of payment shall be chargeable to the municipal corporation or commission as part of the cost of power payable by the municipal corporation or commission under section 57.

Collection of arrears on direction from Commission.

87. Where it appears to the Commission, upon the examination of the accounts of any municipal corporation or municipal commission receiving power from the Commission under a contract between the municipal corporation and the Commission under this Act, that there are arrears due and owing for electrical power or energy supplied by the municipal corporation or municipal commission, or for rents, rates, costs and charges in connection with the service or supply of such power or energy or for the installation of any works for such service or supply, and that the municipal corporation or municipal commission has not taken the necessary proceedings for the collection of such arrears, the Commission may give, in writing, such directions as it may deem proper, signed by the chairman or secretary, for the collection of the arrears by any method by which they may be collected, and it shall be the duty of the municipal corporation or municipal commission forthwith after receiving such directions to take all proceedings necessary to carry them into effect. 1924, c. 23, s. 18, *part*.

Offences and penalties.

88. Where a municipal corporation or a municipal commission receiving electrical power or energy from the Commission under a contract made with the Commission in pursuance of the provisions of this Act,—

- (a) supplies electrical power or energy to any person upon terms and at rates other than those which have been approved of by the Commission;
- (b) grants to any person to whom electrical power or energy is supplied by the municipal corporation or commission, special terms by way of bonus or otherwise as to the rates to be paid for electrical power or energy, or as to the terms at which they are to be supplied;
- (c) neglects or refuses to carry out any direction of the Commission given under section 87;
- (d) by any means whatsoever, directly or indirectly reduces the cost of electrical power or energy to any individual, firm or corporation so that it is supplied to such individual, firm or corporation at a lower rate or upon better terms than those approved of by the Commission;
- (e) fails to keep accounts in the manner prescribed by the Commission or makes improper entries therein, or charges against any account items not properly chargeable thereto;

such municipal corporation or municipal commission shall be guilty of an offence, and every member of the municipal council of such municipal corporation or every member of the municipal commission, as the case may be, shall be disqualified from sitting and voting in the council or from election thereto, or from acting as a member of the municipal commission or being appointed thereto, and from holding any other municipal office for a period of five years from the date of judgment or order declaring his disqualification, and proceedings may be taken against him in the same manner as in the case of a member of a municipal council who has become disqualified or has forfeited his seat under the provisions of *The Municipal Act*: Provided that no member of the municipal council or of the municipal commission, as the case may be, shall be found to be so disqualified who proves to the satisfaction of the court or judge before whom the application for a declaration of his disqualification is made, that he was not a party to the offence and that he did everything in his power to prevent the commission of the offence. 1924, c. 23, s. 18, part.

*Disqualification of
councillor
or com-
missioner*

Proviso.

89. When a municipal corporation or a municipal commission neglects or refuses to carry out any of the provisions of this Act, or any direction or regulation lawfully given or made hereunder, the Commission, if it deems it necessary or desirable so to do, may appoint some person to do whatever is necessary to remedy such neglect or default and to comply

*When
default made
Commission
may take
action.*

with this Act or any such direction or regulation; and the reasonable and proper costs and charges incurred by the Commission in so doing shall be a debt due and payable by the municipal corporation or municipal commission to the Commission and shall be added to and shall be chargeable and collected with the charges set out in section 57. 1924, c. 23, s. 18, *part*.

When accounts of corporation show a surplus.

90.—(1) Whenever it appears from the accounts of a municipal corporation or municipal commission that after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development or distribution of electrical power or energy, and, in the case of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution, after providing for the payments required by this Act, that there is a surplus at the credit of the municipal corporation or municipal commission, such surplus shall be applied and disposed of, in such manner as the Commission may by general regulation or special order direct,—

In reduction of indebtedness;

(a) in the reduction of any indebtedness incurred with respect to the construction and equipment of such works; or,

In erection of office buildings, etc.;

(b) in purchasing or otherwise acquiring a site, and erecting thereon buildings, for the occupation and use of the municipal commission as offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building, and, subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission; and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purposes of any public utility in the municipality;

In erection of larger building than required and leasing part for other utilities;

(c) in the maintenance, repair or renewal thereof; or
 (d) in the extension of such works; or
 (e) in the formation of a fund to be used at a future time for any of such purposes;

In maintaining, repairing and extending works;

(f) to the extent to which such surplus is derived from the supply of electrical power or energy for the public buildings of the corporation or the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility owned and operated by the corpora-

To general purposes of municipal corporation.

tion,—by payment over of such surplus, or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation. R.S.O. 1914, c. 39, s. 39; 1915, c. 19, s. 13; 1917, c. 20, s. 10.

(2) Subsection 1 shall apply to every municipal corporation which has entered into a contract with the Commission for the supply of electrical power or energy, and shall have effect notwithstanding any provision in any general or special Act. 1915, c. 19, s. 14, *part*.

(3) Any member of the council of a municipal corporation, and any member of a municipal commission, who is in any manner a party to any other disposition of such surplus than that directed by the Commission, shall forfeit his office, and proceedings may thereupon be taken against him as provided in *The Municipal Act* in the case of a member of a municipal council who has become disqualified, and the Commission may take the same proceedings in respect thereof as might be taken by a ratepayer of such municipality. 1915, c. 19, s. 14, *part*; 1917, c. 20, s. 11.

(4) If it is found upon such proceedings that such member of the municipal council or commission has forfeited his office, he shall be disqualified from holding any municipal office for a period of two years thereafter. 1915, c. 19, s. 14, *part*.

91. A municipal corporation or municipal commission and any company or individual neglecting or refusing to obey and carry out any order or direction of the Commission or of a member thereof made under section 80, or of the Commission made under sections 81, 83, 84, 86, 87, 88 and 90, in addition to any other liability, shall forfeit to His Majesty for the use of Ontario the sum of one hundred dollars for every day during which such neglect or refusal shall continue. R.S.O. 1914, c. 39, s. 40.

92.—(1) Where the Commission is of opinion that it is necessary or expedient for the protection of life or property, or for the convenience of the public, that the use of overhead lines upon any highway or part thereof in a city or town, including the wires of telegraph, telephone, electric light, heat or power companies, should be discontinued, the Commission may so direct, and, upon such terms and subject to such conditions as it may prescribe, may require that such wires be placed and carried in underground conduits to be constructed and maintained in accordance with the directions and to the satisfaction of the Commission, and may abrogate

Municipal
wires.

any right to carry lines on poles in such city or town which may have been given by any Act or by any municipal by-law, license or agreement.

Interpre-
tation.

(2) In this section, and in sections 93 to 97,—

“Lines.”

(a) “lines” shall mean and include the wires, cables or other conductors used for the purpose of conveying or distributing electricity or electrical power or energy, for telegraph, telephone, or electric light, heat or power purposes;

“Company.”

(b) “company” shall include a municipal corporation or municipal commission, a partnership and an individual, owning, leasing, using or controlling lines in a city or town. R.S.O. 1914, c. 39, s. 41.

Con-
struction of
tunnel by
municipal
corporation.

93. Where the corporation of the city or town is willing to undertake the construction of a tunnel or conduits or other system for carrying lines underground in any highway or part thereof, the Commission, upon such terms and subject to such conditions as it may prescribe, may require all companies whose lines are carried overhead upon any such highway or public communication to make use of such tunnel or conduits or other system for the purpose of carrying their lines, and to pay to the corporation such compensation for the use thereof as may be agreed upon or as the Commission may determine; and such compensation may be either a lump sum or a sum to be paid annually or periodically as the Commission may determine and direct. R.S.O. 1914, c. 39, s. 42.

Powers of
corporation
of city or
town.

94. Where the corporation of a city or town desires to construct a tunnel, conduits or other system for the purpose mentioned in section 93, the corporation may do so and may exercise in respect thereof the powers of expropriation conferred upon the corporation by *The Municipal Act*. R.S.O. 1914, c. 39, s. 43.

Work to be
subject to
direction of
Commission.

95. All works undertaken under the provisions of sections 93 and 94 shall be done in accordance with the directions and to the satisfaction of the Commission, and shall be maintained, kept in repair, altered, enlarged or improved to the satisfaction of the Commission and as it may direct. R.S.O. 1914, c. 39, s. 44.

Overhead
lines, dis-
obedience
of orders
respecting.

96. If any order or direction of the Commission for discontinuing the use of overhead lines is not obeyed, the lines, poles and other structures in connection therewith upon the highway shall be deemed to be unlawfully erected and maintained, and may be removed by or under the direction of the

Commission and at the expense of the owner or user of them, and the company owning or using such lines shall incur a penalty of one hundred dollars for each day during which the order of the Commission is disobeyed. R.S.O. 1914, c. 39, s. 45.

97.—(1) Where lines, the construction or operation of which is authorized by this Legislature, and lines the construction of which is authorized by the Parliament of Canada, run through or into the same city or town, and the corporation of such city or town is desirous of having such lines placed underground, the Commission and the Board of Railway Commissioners for Canada may, after the receipt of the applications hereinafter mentioned, by joint session or conference in conformity with the practice to be established by them, hear and determine the application, and may order, on such terms and conditions as they may prescribe, any company constructing or operating lines in the city or town to place such lines underground, and may abrogate any right to carry lines on poles in such city or town, which may have been given by any Act or municipal by-law, license or agreement.

Under-ground lines.
Joint order
by Commis-
sion and
Dominion
Railway
Board.

(2) Any such company, or any municipal corporation or other public body, or any person interested, may file with the secretary of the Commission, and with the secretary of the Board of Railway Commissioners of Canada, the application for an order under this section, together with evidence of the service of such application upon the companies interested or affected, and where the application is not made by the municipal corporation, upon the head of the municipality within which the lines are situate.

(3) The chairman of the Commission and the chairman of the Board of Railway Commissioners for Canada may make rules of procedure and practice covering the making of such applications and the hearing and disposition thereof.

(4) The chairman of the Commission and the chairman of the Board of Railway Commissioners for Canada may from time to time assign or appoint from each body the members comprising the joint board that may be required to sit for the hearing and determining of such applications as they arise.

(5) Any such order may be made a rule of the Exchequer Court of Canada, and may be enforced in like manner as any rule, order or decree of such court. R.S.O. 1914, c. 39, s. 46.

Rules of
procedure.

Membership
of joint
board.

Enforcement
of orders.

PART VI.

MUNICIPAL COMMISSIONS.

Municipal commission
to be established in
every city or
town under
contract
with Com-
mission.

Rev. Stat.,
c. 204.

Municipal
commission
—how com-
posed in city
of 100,000
or over.

98.—(1) Notwithstanding anything in any general or special Act, subsection 5 of section 34 of *The Public Utilities Act* shall apply in every city and town which has entered into a contract with the Commission for the supply of electrical power or energy, and a commission shall be established under the provisions of Part III of *The Public Utilities Act* for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy.

(2) In a city having a population of one hundred thousand or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy may, if the council of the city by by-law so declares, consist of three members, one of whom shall be appointed by the municipal council of the city at its first meeting in each year, one shall be appointed by the Commission and the third of whom shall be the mayor of the city, and the members so appointed shall hold office for two years or until their successors are appointed. 1915, c. 19, s. 15, *part*.

Members of
municipal
commission
not to be
interested
in certain
companies,
etc.

99.—(1) No member or officer of any commission appointed or elected for the control and management of the construction, operation and maintenance of works undertaken by a municipal corporation for the distribution and supply of electrical power or energy received from the Commission shall, directly or indirectly,—

(a) hold, purchase, take or become interested in any stock, share, bond, debenture or other security or property of any company or individual engaged in the generation, distribution or supply of electrical power or energy in the municipality or holding or controlling works for that purpose; or

(b) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as part of the equipment required in the generation, distribution or supplying of electrical power or energy.

(2) If any such stock, share, bond, debenture or other security, property, device, appliance, machine, patented process or article, or any part thereof or any interest therein, shall come to or vest in any member or officer of a municipal commission by will or succession for his own benefit, he shall, within three calendar months after the same shall so come to or vest in him, absolutely sell and dispose thereof, and of his interest therein.

(3) No member or officer of any such municipal commission shall act as director or officer of any company which has power to invest any portion of its funds in the securities of a company generating, distributing or supplying electrical power or energy or any appliance therefor in the same municipality.

1915, c. 19, s. 15, *part*.

(4) Every member or officer of a municipal commission who contravenes any of the provisions of this section shall forfeit his office, and shall be disqualified and incapable of being elected or appointed to any such municipal commission or to any other municipal office for a period of two years, and the like proceedings may be taken by the Commission or by a ratepayer against any such member or officer to remove him from his office or declare his disqualification, as may be taken by a ratepayer for the removal or disqualification of a member of a municipal council who has become disqualified from sitting and voting therein, but the Commission shall not be required to furnish security for costs.

1916, c. 19, s. 11.

(5) Where the corporation of a city having a population of 100,000 or over has entered into a contract with the Commission for a supply of electrical power or energy and a commission has been appointed under any general or special Act for the control and management of works for the distribution of such electrical power or energy, no person shall be qualified to be appointed to or to act as a member of such commission who is a member of any other commission controlling or managing any other public utility or any railway or street railway in the said city. This subsection shall come into force and take effect on the 1st day of January, 1928.

100. Where, by this Act or by any contract heretofore or hereafter entered into between the Commission and a municipal corporation, duties are imposed upon or covenants or undertakings are entered into by the municipal corporation, they shall extend to and be deemed to include and shall be binding upon any commission having the management or control of any public utility or other municipal undertaking for and on behalf of the municipal corporation, and any board of education, board of high school trustees or board of public school trustees appointed or elected for the municipality represented by the municipal corporation.

1915, c. 19, s. 15, *part*.

PART VII.

REPEAL.

Acts and parts of Acts repealed.

101. The following Acts and parts of Acts are repealed, namely:—

- (a) *The Power Commission Act*, (R.S.O. 1914, c. 39) except subsection 2 of section 15b (as enacted by 1918, c. 14, s. 9); subsection 2 of section 18; subsection 6 of section 32, and sections 25 to 30.
- (b) *The Power Commission Act, 1914*, (1914, c. 16) except sections 8 to 12 and schedules.
- (c) *The Power Commission Act, 1915*, (1915, c. 19) except sections 16 to 22 and schedules.
- (d) *The Power Commission Act, 1916*, (1916, c. 19) except sections 13 to 16 and schedules.
- (e) *The Power Commission Act, 1917*, (1917, c. 20) except sections 14 to 19 and schedules.
- (f) *The Power Commission Act, 1918*, (1918, c. 14) except subsection 2 of section 15b of *The Power Commission Act* as enacted by section 9; sections 16 to 19 and schedules.
- (g) *The Power Commission Act, 1919*, (1919, c. 16) except sections 4 to 7 and schedules.
- (h) *The Power Commission Act, 1920*, (1920, c. 18) except sections 6 to 10 and schedules.
- (i) *The Power Commission Act, 1922*, (1922, c. 31) except section 5.
- (j) *The Power Commission Act, 1924*, (1924, c. 23) except section 20.
- (k) *The Power Commission Act, 1925*, (1925, c. 23) except sections 6 and 7.
- (l) *The Power Commission Act, 1926* (1926, c. 17) except the subsection 1c added by section 2, and except section 3 and schedule "B."

SCHEDULE "A."

1927.....	\$1,338,567
1928.....	1,392,110
1929.....	1,447,795
1930.....	1,505,706
1931.....	1,565,935
1932.....	1,628,572
1933.....	1,693,716
1934.....	1,761,464
1935.....	1,831,922
1936.....	1,905,199
1937.....	1,981,406
1938.....	2,060,663
1939.....	2,143,090
1940.....	2,228,813
1941.....	2,317,966
1942.....	2,410,684
1943.....	2,507,111
1944.....	2,607,396
1945.....	2,711,691
1946.....	2,820,159
1947.....	2,932,965
1948.....	3,050,284
1949.....	3,172,296
1950.....	3,299,187
1951.....	3,431,156
1952.....	3,568,401
1953.....	3,711,137
1954.....	3,859,582
1955.....	4,013,966
1956.....	4,174,525
1957.....	4,341,505
1958.....	4,515,166
1959.....	4,695,772
1960.....	4,883,603
1961.....	5,078,948
1962.....	5,282,106
1963.....	5,493,390
1964.....	5,713,125
1965.....	5,941,650
1966.....	6,179,317
	\$127,198,046

CHAPTER 18.

An Act to amend The Power Commission Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Power Commission Act, 1927* (No. 2).

Contract confirmed

2. The contract between the Hydro-Electric Power Commission of Ontario and the corporation of the town of Newmarket, dated 24th day of April, A.D. 1925, set out in schedule "A" hereto, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes upon the Commission and the corporation and upon the ratepayers of the corporation, anything in any general or special Act of this Legislature to the contrary notwithstanding.

By-laws confirmed.

3. By-law No. 1217 of the corporation of the town of Whitby; By-laws Nos. 60, 62, 66 and 69 of the corporation of the village of Fonthill; By-laws Nos. 271 and 272 of the corporation of the village of Port Rowan; By-law No. 249 of the corporation of the village of Waterdown; By-laws Nos. 13 and 14 of the police village of Cottam; By-law No. 34 of the corporation of the village of Arkona; By-law No. 316 of the corporation of the township of Albion; By-law No. 105 of the corporation of the township of Bentinck; By-law No. 744 of the corporation of the township of Brock; By-law No. 1977 of the corporation of the township of Etobicoke; By-law No. 766 of the corporation of the township of East Flamboro; By-law No. 461 of the corporation of the township of Gainsborough; By-laws Nos. 593 and 598 of the corporation of the township of Gosfield North; By-law No. 500 of the corporation of the township of Goulburn; By-law No. 4 of the corporation of the township of Grey; By-law No. 5 of the corporation of the township of McGillivray; By-law No. 7 of 1926 of the corporation of the township of McKillop; By-law No. 859 of the corporation of the township of Maryborough; By-law No. 670 of the corporation of the township of Minto; By-law No. 345 of the corporation of the township of North Grimsby;

By-law

By-law No. 886 of the corporation of the township of North Monaghan; By-law No. 891 of the corporation of the township of Otonabee; By-law No. 1027 of the corporation of the township of Peel; By-law No. 6 of 1926 of the corporation of the township of Plympton; By-law No. 502 of the corporation of the township of Rawdon; By-law No. 133 of the corporation of the township of Roxborough; By-law No. 650 of the corporation of the township of Scugog; By-law No. 835 of the corporation of the township of Smith; By-law No. 467 of the corporation of the township of South Walsingham; By-law No. 614 of the corporation of the township of Tecumseh; By-law No. 525 of the corporation of the township of Wallace; By-law No. 8 of 1926 of the corporation of the township of West Zorra; By-law No. 2 of 1927 of the township of Warwick, and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

4. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

SCHEDULE "A."

This indenture made in duplicate the 24th day of April, A.D. 1925.

BETWEEN:

THE CORPORATION OF THE TOWN OF NEWMARKET, hereinafter called the "Corporation,"

AND *of the First Part;*

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, herein-after called the "Commission,"

of the Second Part.

Whereas by Contract bearing date the 26th day of April, 1915, the Corporation entered into contract with The Toronto & York Radial Railway Company for a supply of electrical power or energy for a period of five (5) years from the 24th day of April, 1915;

And whereas by renewal Agreement bearing date the 1st day of May, 1920, the said Contract was renewed for a further period of five (5) years commencing on the 24th day of April, 1920, in accordance with the terms of the said Contract;

And whereas the said Contract renewed as aforesaid has been assigned and transferred by The Toronto & York Radial Railway Company to the Commission, and the Commission since the said transfer has carried out the obligations thereunder;

And

And whereas differences have arisen between the Corporation and the Commission among other things as to renewal or extension of the said Contract beyond the 24th day of April, 1925;

And whereas the Corporation and the Commission have settled their differences upon the terms and conditions hereinafter set out;

Now therefore this indenture witnesseth that the parties hereto covenant, promise and agree as follows:

1. The said Contract bearing date the 26th day of April, 1915, is hereby extended for a period of five (5) years commencing from the 24th day of April, A.D. 1925;

2. The Corporation, if it so desires, shall have the privilege of renewing the said Contract for a further period of five (5) years commencing from the 24th day of April, A.D. 1930, provided the Corporation shall have given to the Commission notice in writing at least three (3) months prior to the said 24th day of April, A.D. 1930;

3. The Corporation, if it so desires, shall have the privilege of renewing the said Contract for a third period of five (5) years commencing from the 24th day of April, A.D. 1935, provided the Corporation shall have given to the Commission notice in writing at least three (3) months prior to the said 24th day of April, A.D. 1935, but in no case shall there be any renewal or extension beyond the said third period provided for in this Clause and the said Contract shall in any event not continue in force beyond the 24th day of April, A.D. 1940;

4. The duration of the said Contract and the rights of extension and of renewal shall be determined by the provisions of this Indenture and Clause 9 of the said Contract is hereby cancelled and the provisions of this Indenture relating to duration, renewal and extension substituted therefor;

5. As herein modified the said Contract shall continue in full force and effect for such time as may be fixed under the terms of this present Indenture;

6. The Corporation and the Commission shall join in applying for legislation to ratify, confirm and validate the said Contract as modified by this Indenture, but all charges in connection therewith shall be paid by the Commission.

In witness whereof the parties hereto have caused this Indenture to be executed under their Corporate Seals and the hands of their proper officers duly authorized thereto.

Witness: THE CORPORATION OF THE TOWN OF NEWMARKET.

A. J. DAVIS.

J. E. NESBITT, *Mayor.*

H. DOYLE.

NORMAN L. MATHEWS, *Clerk.*

(Corporate Seal of
the Town of Newmarket.)

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

C. A. MAGRATH, *Chairman.*

(H.E.P.C. Seal.)

W. W. POPE, *Secretary.*

Approved Dec. 23, 1926,

R. T. JEFFERY, for Chief Engineer.

Dec. 23, 1926,

I. B. LUCAS, General Solicitor.

CHAPTER 19.

An Act to provide Aid in the Construction of Works
in Rural Power Districts.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Rural Hydro-Electric* Short title.
Distribution Act, 1927, and shall have effect as from the 1st
day of November, 1926.

2. Upon the recommendation of The Hydro-Electric Power Commission of Ontario and the order of the Lieutenant-Governor in Council, the Treasurer of Ontario may pay out Grants in aid of distribution works in rural power districts. of the Consolidated Revenue Fund to any municipality or commission distributing power in a rural power district under the provisions of *The Power Commission Act, 1927*, a sum not exceeding fifty per centum of the capital cost of constructing and erecting in the rural power district, primary transmission lines and cables, service transformers and meters and secondary lines on the highway required for the delivery of power in such rural power district.

3. Upon the recommendation of The Hydro-Electric Power Commission of Ontario and the order of the Lieutenant-Governor in Council, the Treasurer of Ontario may pay out Grants in aid of works in townships or urban municipalities adjoining township in rural power districts. of the Consolidated Revenue Fund to the corporation of a township or of an urban municipality supplying or distributing electrical power or energy in an adjoining township or within a rural power district under the provisions of *The Public Utilities Act* or any other general or special Act, a sum not exceeding fifty per centum of the capital cost of constructing or erecting in such adjoining township or rural power district primary transmission lines and cables, service transformers and meters and secondary lines on the highway required for the delivery of power or energy in such adjoining township or in such rural power district.

4. All sums paid to municipal corporations or commissions under the authority of section 2 or section 3 shall be chargeable Grants chargeable to capital account.

in the books of the Treasurer of Ontario as expenditure upon capital account.

Repeal.

5. The following Acts and parts of Acts are hereby repealed:

1921, chapter 21 (*The Rural Hydro-Electric Distribution Act, 1921*)—The whole.

1922, chapter 32 (*The Rural Hydro-Electric Distribution Act, 1922*)—Section 2.

1923, chapter 13 (*The Rural Hydro-Electric Distribution Act, 1923*)—The whole.

1924, chapter 25 (*The Rural Hydro-Electric Distribution Act, 1924*)—Sections 2 and 3.

Commencement of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 20.

An Act to confirm an agreement between the Corporation of the Township of Stamford and The Hydro-Electric Power Commission of Ontario.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Township of Stamford and Hydro-Electric Power Commission Act, 1927.* Short title.

2. The agreement between the corporation of the township of Stamford and The Hydro-Electric Power Commission of Ontario, set out as schedule "A" hereto, is hereby confirmed and declared to be legal, valid and binding upon the Commission and the corporation and the ratepayers and residents of the township and shall not be open to question upon any grounds whatsoever, any general or special Act of this Legislature to the contrary notwithstanding. Agreement confirmed.

3. The provisions and terms of the said agreement and the exemption of the Commission as therein set out from assessments, rates and taxes of every kind including those for school purposes and the fixed assessment granted to the Commission in the said agreement shall have full force and effect and the Commission in so far as the said agreement provides shall be relieved from all obligation and liability for or in respect of assessments, rates and taxes for school purposes or otherwise in the township of Stamford, notwithstanding anything to the contrary contained in any general or special Act of this Legislature. Extent of exemption.

4. Save as in the said agreement provided the Commission shall not be under any obligation or liability for or in connection with construction or cost of any bridge on the Chippawa Creek Road over the Commission's Queenston-Chippawa Power Canal in lots 211 and 212 in the township of Stamford and except as may arise out of or in connection with the said agreement the Commission shall not be liable in any way to the corporation or to any other corporation or to any person Saving as to liability of Commission for bridge in Chippawa Creek Road.

whomsoever

whomsoever whether in damage or otherwise and no action shall be brought against the Commission on account of the non-construction of any such bridge or of the existence of the said power canal at the said location or on account of failure to maintain or keep in repair any such bridge or on any other ground whatsoever.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

This Agreement made in duplicate this 15th day of December, 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF STAMFORD, hereinafter called the "Corporation,"

of the First Part;

AND

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, herein-after called the "Commission,"

of the Second Part.

Whereas certain portions of the works, properties, and undertakings of the Commission (hereinafter referred to as the "said properties") are situate within the territorial limits of the Township of Stamford.

And whereas the said Commission is not liable to municipal assessment or taxation other than and except as provided for by Section 12a of "*The Power Commission Act*" as enacted by "*The Power Commission Act, 1917*," which said Section enacts as follows:

12a.—(1) Notwithstanding anything in *The Assessment Act* contained, land owned by and vested in the Commission shall be subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality.

(2) Subsection 1 shall not apply to or include buildings, machinery, works, structures, substructures, superstructures, rails, ties, poles and other property, works or improvements owned, used or controlled by the Commission, nor an easement or the right of use or occupation or other interest in land not owned by the Commission, but all such buildings, machinery, works, structures, substructures, superstructures, rails, ties, poles and other property, works or improvements owned, used or controlled by the Commission, and every such easement or right, shall continue to be exempt from assessment and taxation as heretofore.

And whereas certain portions of the said properties situate within the limits of said Corporation were prior to the acquisition thereof by the Commission subject to the provisions of certain agreements in that behalf, and the said Corporation had made expenditures and incurred liabilities relying upon the taxes to be derived from said properties.

And whereas the said Corporation has requested the Commission to construct a bridge on the Chippawa Creek Road over the Commission's Queenston-Chippawa Power Canal in Lots 211 and 212.

And

And whereas in view of the circumstances above recited and in consideration of the agreements and undertakings hereinafter contained on the part of the Corporation, the Commission has agreed to pay to the Corporation the sum of \$80,000 in each and every year beginning with and including the year 1925 and ending with and including the year 1931, such payments to be in satisfaction, among other things, of all claims and demands which the Corporation may or could have against the Commission for taxes under the provisions of "*The Power Commission Act*" above recited or otherwise howsoever during said period.

Now therefore this agreement witnesseth that the parties hereto do hereby mutually promise, covenant and agree to and with each other as follows:

1. Subject to the provisions hereinafter set forth the Commission shall pay to the Corporation annually the sum of \$80,000 in each of the years during the period commencing on the first day of January, 1925, and ending on the thirty-first day of December, 1931, and there shall be deducted from the payment for the year 1925 the sum of \$22,325.33, being the amount already paid to the Corporation as taxes for 1925, and the balance of the \$80,000, together with the payment for 1926 shall be payable upon the execution of this agreement; and thereafter the said payments shall be payable on the tenth day of December in each year, the first of such payments to be made on the tenth day of December, 1927, and the last on the tenth day of December, 1931.

2. The Commission shall pay the said sum for each of the said years at the same time as taxes on lands in said Corporation become due and payable under the provisions of the enactments and regulations from time to time in force in that behalf.

3. The said annual payments shall be accepted by the Corporation in lieu and in satisfaction of all assessments, rates and taxes of every nature and kind whatsoever payable by or leviable against the Commission, including without restricting or in any way limiting the generality of the foregoing assessment and taxation for school purposes, business, income and all other general and special municipal school and local improvement taxes of every character, nature and kind whatsoever for said years 1925 to 1931 inclusive.

4. It is distinctly understood and agreed that said payments shall constitute a full and complete satisfaction and discharge of all taxes and levies of every character and kind whatsoever payable to the said Corporation by the said Commission under the provisions of the above recited Act or under and by virtue of any other law, statute or regulation whatsoever and the said Corporation shall not during said period assess or levy any rates or taxes of any kind or character whatsoever against the said Commission or any of its said properties, and the Commission and its said properties shall be wholly exempt from all assessments, rates, taxes and levies other than and except the payment of said sum of \$80,000 in each year payable at the times and in the manner hereinbefore provided for.

5. If at any time during the said period any of said properties be included in an area or areas which shall be annexed to or included or incorporated in any other Municipal Corporation, then and in such case the said annual sum of \$80,000 payable by the Commission as aforesaid shall, from the date of such annexation, inclusion or incorporation, be reduced by the amount which the Commission shall be called upon to pay to such other Municipal Corporation in respect of such properties under the provisions of the above recited Act.

6. If at any time during said period the Commission should by sale or otherwise cease to be the owner of any portion or portions of said properties, then and in such case, the said sum of \$80,000 payable by the Commission as aforesaid, shall from the time said Commission sells or otherwise becomes divested of the ownership of such portion or portions of said properties, be reduced by the amount that would then be properly payable by and leviable against the Commission under the provisions of the above recited Act in respect of the property no longer owned by it if this agreement had never been entered into.

7. Should any dispute arise between the parties with reference to the reductions or rebates to which the Commission may be entitled under the provisions of the fifth and sixth paragraphs hereof of the same shall be settled and determined in a summary manner by The Ontario Railway and Municipal Board (hereinafter called the "Board") on the application of either party.

8. In determining any such dispute the said Board shall proceed in any manner that to it may seem proper and the decision of such Board shall be final and binding upon the parties hereto and neither party shall appeal therefrom or move to quash or set aside the same.

9. For the purpose of facilitating the settlement and determination of any reductions or rebates to which the Commission may become entitled under the provisions of paragraphs five and six hereof, the assessment of the Commission's properties as finally fixed and determined for the year 1925 shall stand until the expiration of said seven-year period, but the Corporation shall not levy or collect any rates or taxes under or in respect of such assessment.

10. After the expiration of said seven-year period, the Board, on the application of either of the parties hereto, may by its order dispense with the construction of the bridge over the Power Canal in Lots 211 and 212 above mentioned or direct the construction of the same by the Commission as to the Board may seem just, proper and equitable under the circumstances. No order for the construction of said bridge shall be made unless it is established to the satisfaction of the Board that a bridge is necessary in the public interest at said point, having regard to all the conditions then existing and the expense involved. Any order for the construction of such bridge shall set forth the character thereof and the time within which the same shall be completed.

11. Unless and until an Order has been made under the provisions of the preceding paragraph hereof directing the construction of said bridge, the Commission shall not be under any obligation or liability to construct the same, and shall not be liable or responsible in any way in damages or otherwise either to the Corporation or to any other person by reason of the non-construction thereof, or by reason or on account of the existence of said power canal at the point mentioned in the preceding paragraph hereof.

12. The parties hereto shall abide by any order the said Board may make under the provisions of paragraph ten hereof and neither party shall appeal therefrom or move to quash or set aside the same.

13. This agreement shall have no force or effect unless and until ratified by an act of the Legislative Assembly of the Province of Ontario, and when so ratified shall be effective and binding on the parties as from the first day of January, 1925.

In witness whereof the parties hereto have caused this agreement to be executed under their corporate seals and the hands of their proper and duly authorized officers the day and year first above written.

WITNESS:

[L.S.]

TOWNSHIP OF STAMFORD.

(Signed) C. F. MONROE,
Reeve.

(Signed) DAVE ALAIR,
Clerk.

[L.S.]

THE HYDRO ELECTRIC POWER COMMISSION OF ONTARIO.

(Signed) C. A. MAGRATH,
Chairman.

(Signed) W. W. POPE,
Secretary.

CHAPTER 21.

An Act to provide for Authorizing Pensions and Insurance for Employees of Municipal Hydro-Electric Systems.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Power Commission Insurance Act, 1927.* Short title.

2. In this Act,—

Inter-
pretation.

(a) "Commission" shall mean Hydro-Electric Power "Commission." Commission of Ontario;

(b) "Insurance corporation" shall mean a corporation "Insurance corporation." licensed to transact the business of insurance and enter into contracts for insurance in the Province of Ontario under *The Ontario Insurance Act, 1924*;

(c) "Municipal authority" shall mean and include a "Municipal authority." municipal corporation or commission distributing electrical power or energy in a municipality.

3.—(1) The Commission may enter into an agreement with any municipal authority or group of municipal authorities authorizing the Commission to contract with an insurance corporation for insurance for the employees of such municipal authority or municipal authorities by way of service annuities, income annuities or death or disability benefits or such other benefits as may by the Commission be deemed expedient and for payment by the municipal authority or authorities of the cost of such insurance and the cost of or incidental to the administration and operation of the contract, and any other expenses incurred or for which the Commission may be liable in connection therewith.

Agreement with insurance corporation.

(2) The Commission on behalf of any such municipal authority or group may, with the approval of the Lieutenant-Governor in Council, enter into an agreement with an insurance corporation for providing insurance for the employees of such municipal authority or group by way of service annuities, income annuities or death or disability benefits, or such other benefits as may by the Commission be deemed expedient, and for the enforcement of any such contract and for the administration of its operation by the Commission or by any other person or corporation on behalf of such municipal authority or group.

Cost of insurance,—how borne.

4.—(1) The cost of insurance and the cost of and incidental to the administration and operation of the contract and any other expenses incurred or for which the Commission may be liable in connection therewith shall be payable by each of the municipal authorities on whose behalf the contract is undertaken as part of the cost of operation of the works of the municipal authority and shall be apportioned and distributed by the Commission among the municipal authorities in any such group in such manner as the Commission may deem equitable.

Regulations.

(2) The Commission, with the approval of the Lieutenant-Governor in Council, may make regulations prescribing the terms and conditions for the required payments under subsection 1, and the time and manner in which such payments shall be made and the returns and accounts to be furnished by any municipal authority and the contributions to be made by the employees of any municipal authority party to the agreement.

Commencement of Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

CHAPTER 22.

An Act to amend The Highway Improvement
Act, 1926.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Highway Improvement Act*, ^{Short title.} 1927.

2.—(1) Subsection 2 of section 13 of *The Highway Improvement Act*, 1926, is amended by adding at the end thereof the words “but the representative or representatives in the county council of any municipality so exempt shall not vote upon any by-law passed under this Part, and for the purposes of section 14 the equalized assessment of any municipality so exempt shall not be included in ascertaining the total equalized assessment of the county.” ^{1926, c. 15, s. 13, subs. 2, amended.}

(2) Subsection 3 of the said section 13 is amended by striking out all the words after the word “system” in the third line and inserting in lieu thereof the words “and to any expenditure properly chargeable to county road systems under the provisions of this Act.” ^{1926, c. 15, s. 13, subs. 3, amended.}

(3) Subsection 4 of the said section 13 is amended by striking out the word “overseeing” at the end of the fourth line and inserting in lieu thereof the word “directing.” ^{1926, c. 15, s. 13, subs. 4, amended.}

3.—(1) The clause lettered *a* in subsection 1 of section 18 of *The Highway Improvement Act*, 1926, is amended by striking out the words “including the payment of grants authorized by this Act” in the third and fourth lines and inserting in lieu thereof the words “including the payments authorized by this Act to be made by the county to towns and villages.” ^{1926, c. 15, s. 18, subs. 1 cl. *a* amended.}

(2) Subsection 2 of the said section 18 is amended by striking out all the words after the word “character” in the seventh line and inserting in lieu thereof the words “shall be included and in all cases of doubt or dispute the decision of the Minister shall be final.” ^{1926, c. 15, s. 18, subs. 2 amended.}

1926, c. 15
s. 21
repealed.

4. Section 21 of *The Highway Improvement Act, 1926*, is repealed and the following substituted therefor:

Regulations
to govern
county roads.

21. Every highway constructed or repaired as part of a county road system under the provisions of this Act shall be so constructed and repaired in accordance with the regulations of the Department.

1926, c. 15.
s. 23,
subs. 1
cls. a, b
amended

5.—(1) Subsection 1 of section 23 of *The Highway Improvement Act, 1926*, is amended by striking out the words "of fifty feet in span or over" in the first line of the clause lettered *a* and by striking out all the words after the clause lettered *b* and inserting in lieu thereof the words "and when the by-law has been approved by the Minister the expenditure involved in the replacing or improving of any such bridge in accordance with the plan approved by the Department shall be deemed to form part of the expenditure in carrying out the plan of highway improvement within the county, and debentures issued by the corporation of any county since the 8th day of April, 1926, for the purpose of constructing, replacing or improving any such bridge shall be legal, valid and binding upon the corporation of the county and the ratepayers thereof notwithstanding that such by-law has not been submitted to and did not receive the assent of the ratepayers in accordance with the provisions of *The Consolidated Municipal Act, 1922*.

1926, c. 15
s. 23,
amended.

(2) The said section 23 is amended by adding thereto the following subsections:

Grant in aid
of work on
bridges

(1a) The Minister may direct the payment to the corporation of the county out of the Fund of the expenditure involved in constructing, replacing or improving such bridge in accordance with the plan approved by the Department to the extent of forty per centum in the case of a bridge of fifty feet in span or over, and to the extent of thirty per centum in the case of a bridge of less than fifty feet in span.

Bridges
reverting to
township
under county
by-law.

(1b) The council of a county may by by-law declare that all bridges of twenty feet or less in span which have been assumed by the county under the provisions of subsection 1 shall revert to the local municipalities in which the same are situate and thereupon all the property rights, liabilities and obligations of the county with respect to such bridges shall be transferred to and shall be vested in and imposed upon such municipalities in which such bridges are situate.

Further
aid where
bridges of
twenty feet
or under
revert.

(1c) Where all bridges of twenty feet or less in span have reverted to local municipalities under subsection 1b the Minister may direct the payment to the corpor-

ation

ation of the county out of the fund of a sum equal to fifty per centum of the expenditure involved in the constructing, improving or replacing of any bridges of over twenty feet in span assumed by the county.

6.—(1) Subsection 4 of section 29 of *The Highway Improvement Act, 1926*, is amended by striking out the words "as proposed by" in the third line and inserting in lieu thereof the words "as agreed upon with."

(2) Subsection 5 of the said section 29 is amended by striking out the clause lettered *b* therein and substituting therefor the following:

(b) No such rebate shall be made for any year during which the construction or rebuilding of any such extension or connecting link has been in progress.

7. *The Highway Improvement Act, 1926*, is amended by adding thereto the following section:

37a. The Minister of Public Works and Highways may arrange for special instruction or publicity in respect to highway improvement and the cost of such service, including travelling and other expenses incidental thereto, or such part thereof as the Minister may approve, shall be payable out of any funds appropriated by this Legislature for the special instruction of superintendents, overseers and patrolmen.

8. *The Highway Improvement Act, 1926*, is amended by adding thereto the following sections:

38a. It shall be the duty of the clerk of the county to notify the city or town of the amount appropriated by the county for construction and maintenance not later than the 1st day of March in each year, and the treasurer of the city or town shall transmit the equivalent amount, not later than the 1st day of November following, to the treasurer of the county by whom it shall be paid to the order of the commission.

38b.—(1) It shall be the duty of the council of each city or town to provide annually or from time to time an amount equal to that appropriated by the council of the county for construction and maintenance of such suburban roads, and such amount shall be a debt due to the county by the city or town.

(2) For the purposes of this section the city or town shall have authority to raise from time to time such sums

Issue of
debentures
for city's or
town's share.

sums

sums as may be required for construction by the issue of debentures, as in section 15 provided, but all sums required for the purposes of maintenance and repair shall be provided from the current revenue of the municipality.

Section to
be retro-
active.

- (3) This section shall have effect as from the 8th day of April, 1926.

1926, c. 15,
s. 43, subs. 2,
amended.

9. Subsection 2 of section 43 of *The Highway Improvement Act, 1926*, is amended by adding at the end thereof the words: "and when so approved shall not be repealed or amended without the consent in writing of the Minister."

1926, c. 15,
s. 45,
subs. 2
repealed.

10. Subsection 2 of section 45 of *The Highway Improvement Act, 1926*, is repealed and the following substituted therefor:

Roads
on Indian
reserves,—
arrange-
ments with
Dominion.

(2) The Minister may arrange with the Department of Indian Affairs of the Government of Canada that the Indian Agent for the Reserve may act as road superintendent to supervise the construction, improvement and maintenance in accordance with the regulations and specifications of the Department of Public Highways, of the roads in any township or any portion of the township constituting an Indian Reserve, whereupon the subsidy towards road expenditure as authorized by this Act representing township roads may be available under like conditions to roads in the said Indian Reserve, and upon the approval of the Minister the provisions of section 49 of this Act shall be applicable thereto.

1926, c. 15,
s. 61
amended.

11. Section 61 of *The Highway Improvement Act, 1926*, is amended by striking out the figure "3" in the sixth line of subsection 2 and inserting in lieu thereof the figure and letter "2a" and by adding thereto the following subsection:

Notice of
appeal.

(2a) The council of the city or town may, by resolution, within one month after the date of notification, give notice of appeal from the designation of the engineer and the Minister may refer the matter in dispute to the Ontario Railway and Municipal Board, whose certificate shall be final.

1926, c. 15
s. 64,
subs. 1
amended.

12.—(1) Subsection 1 of section 64 of *The Highway Improvement Act, 1926*, is amended by adding at the end thereof the words "and shall be conclusive evidence that the highways therein mentioned have been legally designated and acquired as provincial highways and that all formalities required by this Act have been observed and performed."

(2) Subsection 3 of the said section 64 is repealed and the following substituted therefor:

1926, c. 15.
s. 64, subs. 3,
repealed.

(3) The council of each municipality may pass by-laws for issuing and may issue its debentures maturing within a period not exceeding twenty years from the date of issue of the debentures and payable in any manner provided by *The Consolidated Municipal Act, 1922*, for an amount estimated as sufficient to produce the sum required to pay the share of the expenditure for construction apportioned to the municipality and it shall not be necessary to obtain the assent of the electors to any by-law for the issue of such debentures nor to observe the other formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

(3) The said section 64 is amended by adding thereto the following subsections:

1926, c. 15.
s. 64
amended.

(5) Where it is deemed by the Minister desirable and expedient an agreement may be entered into with the corporation of an urban municipality for the construction therein by the municipality or by the Department of any highway which is a connecting link or extension of a provincial highway.

(6) The proportion of the cost agreed upon but not exceeding in the case of a town fifty per centum, and in the case of a village seventy-five per centum of the cost of the work to the extent of twenty feet in width of the travelled portion of the highway shall be paid out of the Fund and the remainder shall be borne and paid by the urban municipality.

(7) A road shall not by reason of its having been constructed or improved under this section become or be the property of the Crown, but every such road after its construction or improvement shall be under the jurisdiction of the council of the municipality in which it is situate and shall be maintained and kept in repair in the same manner as other roads in the municipality.

(4) The amendment made by subsection 3 shall have effect as from the 8th day of April, 1926.

Subs. 3 re-
troactive.

13.—(1) Subsection 5 of section 69 of *The Highway Improvement Act, 1926*, is repealed and the following substituted therefor:

1926, c. 15.
s. 69,
subs. 5
repealed.

Location
of fences,
buildings,
etc.

- (5) The Lieutenant-Governor in Council upon the recommendation of the Minister may fix the distance from the roadway at which fences, buildings or other structures may be placed and also the distance from the roadway at which trees, shrubs or hedges may be planted.

1926, c. 15.
s. 69,
amended.

- (2) The said section 69 is amended by adding thereto the following subsection:

Removal
of obstruc-
tions ad-
jacent to
highway.

- (7) The Minister may direct the removal of any tree, shrub, bush, hedge, fence, signboard, gasoline pump, building or other object growing or standing on lands adjacent to the highway where in his opinion the safety or convenience of the travelling public so requires, or when any such object might cause the drifting or accumulation of snow or is injurious to the roadbed, but subject to the payment of such compensation as may be agreed upon or as may be determined in the manner provided by section 58.

1926, c. 15.
s. 74,
subs. 2
repealed.

- 14.**—(1) Subsection 2 of section 74 of *The Highway Improvement Act, 1926*, is repealed and the following substituted therefor:

Raising cost
of special
work on
Provincial
highway in
urban munici-
pality.

- (2) The additional cost entailed under such agreement to be borne by a municipal corporation may be raised by such corporation by a special tax or by the issue of its debentures under *The Local Improvement Act* or by the issue of debentures under *The Consolidated Municipal Act, 1922*, and debentures issued under either Act shall be payable within a period not exceeding twenty years from the date of the debentures provided that it shall not be necessary to obtain the assent of the electors to any by-law for the issue of such debentures under *The Consolidated Municipal Act, 1922*, nor to observe any of the provisions of *The Local Improvement Act* with respect to the undertaking of works as local improvements.

Section re-
troactive.

- (2) The amendment made by this section shall have effect as from the 8th day of April, 1926.

1926, c. 15.
s. 77,
subs. 1
amended.

- 15.** Subsection 1 of section 77 of *The Highway Improvement Act, 1926*, is amended by striking out the word "main" in the fifth line and inserting in lieu thereof the word "county" and by adding thereto the following clauses:

Regulating
placing of
gasoline
pumps.

- (d) For regulating the distance from the limit of any provincial highway or county road at which gasoline pumps

pumps may be placed and operated and for directing the removal of any such pump placed or operated within such distance.

- (e) For licensing and fixing the fees for licenses to be granted to any person operating a gasoline pump upon or within twenty-five feet from the limit of any provincial highway or county road.

16. Section 78 of *The Highway Improvement Act, 1926*, is repealed and the following substituted therefor:

78. The engineer or road superintendent appointed by any road authority under this Act may without any direction from the Department or resolution of the council or commission by which he is appointed, as the case may be, initiate and carry out proceedings under *The Ditches and Watercourses Act* and may sign petitions under *The Municipal Drainage Act* for the purpose of procuring proper drainage for any road within the jurisdiction of the road authority, and such engineer or superintendent shall have authority to file or receive notices as owner in accordance with the procedure prescribed by the said Act.

17. Section 81 of *The Highway Improvement Act, 1926*, is amended by striking out the words "shall be deposited within the travelled portion of any township road or" in the fifth and sixth lines and inserting in lieu thereof the words "or any other Act shall be deposited."

18. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 23.

An Act respecting Public Service Works on Highways.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Public Service Works on Highways Act, 1927.*

**Inter-
pretation.** 2. In this Act,—

**"Appliances
and works."** (a) "Appliances and works" shall mean and include poles, wires, conduits, transformers and any other works, structures or appliances placed on or under a highway by an operating corporation;

**"Operating
corpora-
tion."** (b) "Operating corporation" shall mean and include a municipal corporation or commission, and a company or individual operating or using a telephone or telegraph service, or transmitting, distributing or supplying electricity for light, heat or power and shall include The Hydro-Electric Power Commission of Ontario;

**"Road
authority."** (c) "Road authority" shall mean and include the Department of Public Highways, a municipal corporation, board, commission or other body having control of the construction, improvement, alteration, maintenance and repair of a highway and responsible therefor.

**Cost of
removal of
appliances
and works on
alteration
in highway.** 3. Subject to the provisions of section 4, where in the course of constructing, re-constructing, changing, altering or improving any highway it becomes necessary to take up, remove or change the location of appliances or works placed on or under the highway by an operating corporation, the road authority and the operating corporation may agree upon the apportionment of the cost of labour employed in such work and in default of agreement the cost of such work shall be apportioned equally between the road authority and the

operating corporation, but such costs shall not include the replacement or renewal of the appliances or works nor the cost of any materials or supplies, nor any other expense or loss occasioned to the operating corporation.

4. Notwithstanding anything in section 3 where it is made to appear to the Ontario Railway and Municipal Board, upon application made to it, that the circumstances and conditions under which any of the appliances or works mentioned in the said section 3 have been placed on or under a highway, or that other special conditions render it unfair or unjust that the cost of taking up, removing or changing the location of such works should be apportioned and paid as provided in section 3, the Board, upon the application of the road authority or operating corporation may apportion the cost of the taking up, removing or changing the works in such manner as may appear to it to be equitable, and the decision of the Board shall be final and shall not be subject to appeal.

5. *The Public Service Works on Highways Act, 1925*, being 1925, c. 29; chapter 29 of the statutes of 1925, and *The Public Service Works on Highways Act, 1926*, being chapter 16 of the statutes of 1926, are repealed.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 24.

An Act respecting the Niagara Parks.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.**—(1) This Act may be cited as *The Niagara Parks Act, 1927*, and shall come into force on the day upon which it receives the Royal Assent.

Repeal. (2) The Acts and parts of Acts set out in the schedule are repealed to the extent therein mentioned.

Interpretation. **2.** In this Act,—

"Commission." (a) "Commission" shall mean Niagara Parks Commission;

"Parks." (b) "Parks" shall mean and include Queen Victoria Niagara Falls Park as heretofore established, Butler's Burying Ground and Queenston Heights Park and all other lands and lands covered with water, including roads and boulevards vested in or placed under the control of the Commission.

PART I.

NIAGARA PARKS COMMISSION.

Niagara Parks Commission.

3.—(1) The body corporate heretofore constituted by the name of "The Commissioners for the Queen Victoria Niagara Falls Park" is continued and shall hereafter be known as "The Niagara Parks Commission" hereinafter called the "Commission."

Term of office. (2) The members of the Commission shall be not less than five in number, to be appointed by the Lieutenant-Governor in Council and shall be styled "commissioners" and hold office during pleasure.

(3) The commissioners shall receive their actual disbursements but no other compensation. (See R.S.O. 1914, c. 50, s. 2.)

4. All real and personal property and all rights, powers and privileges heretofore vested in and exerciseable by the Commissioners for the Queen Victoria Niagara Falls Park are hereby vested in and shall be exerciseable by the Niagara Parks Commission. Rights and powers of Commission.

5.—(1) The Commission with the consent of the Lieutenant-Governor in Council may enter upon, take, use and acquire such lands, including a right or interest in, and an easement over land, and also including highways vested in the corporation of any municipality, tenements and rights as they may consider expedient. Powers as to acquiring lands, highways, etc.

(2) The municipal council of any municipality may convey to the Commission for a real or nominal consideration, any highway, lands, tenements or rights vested in the municipality which the Lieutenant-Governor in Council authorizes the Commission to acquire, and this subsection shall be construed so as to include any lands (including highways vested in the corporation of any municipality), tenements or rights heretofore conveyed to the Commission, consented to, or which may hereafter be consented to, by the Lieutenant-Governor in Council. Councils authorized to transfer highway to Commissioners.

(3) A highway opened or widened by the Commission shall not be used or occupied as a stand by vehicles kept for hire, or by booths or stands for the sale of newspapers or photographs, or for the carrying on of a refreshment business or the like. Restriction on use of highways acquired, etc., by the Commission.

(4) The corporation of any municipality may enter into an agreement with the Commission for the construction or the maintenance or repair by the Commission of any road within the limits of the municipality, or for the payment by the corporation of the municipality of any part of the cost of construction or of the maintenance or repair of any road constructed or acquired by the Commission within the limits of the municipality, and this subsection shall be read so as to include any agreement heretofore or hereafter made. Agreement as to maintenance and repair of roads.
1915, c. 14, s. 4. *Amended.*

6. Notwithstanding anything contained in any general Order in Council or special Act the Lieutenant-Governor in Council may by Order in Council vest any highway in any municipality in the Commission and thereafter the Commission shall have exclusive jurisdiction over the said highway. Order in Council vesting highways in Commission.
1915, c. 14, s. 3.

Procedure to
acquire land
etc.

7.—(1) Whenever the Commission is authorized by this Act or by the Lieutenant-Governor in Council to enter upon, take, use or acquire any lands, tenements or rights under the provisions of this Act, the Commission in respect thereof shall have the powers and shall proceed in the manner provided by *The Ontario Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and the provisions of that Act shall *mutatis mutandis* apply.

Rev. Stat.
c. 35.

To what
extended.

(2) The compulsory powers conferred by this Act shall extend to land, works, rights, powers, privileges and property notwithstanding that the same are or may be deemed to be devoted to the public use or that the owner thereof possesses the power to take lands compulsorily. R.S.O. 1914, c. 50, s. 10.

Commission
authorized
to issue
bonds,
debentures,
etc.

8.—(1) In addition to the powers conferred upon the Commission under any other provisions of this Act the Commission, with the approval of the Lieutenant-Governor in Council, may from time to time borrow money to meet any indebtedness of the Commission accruing due, or for the purchasing or otherwise acquiring real or personal property, or making improvements, or for any other purpose of the Commission and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed and such securities may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper.

Guarantee-
ing bonds.

(2) The Lieutenant-Governor in Council may authorize the Treasurer of the Province of Ontario for and on behalf of the Province to guarantee the payment of any securities issued by the Commission for the purposes aforesaid.

Form of
guaranty.

(3) The form of guaranty and the manner of its execution shall be determined by the Lieutenant-Governor in Council. 1925, c. 32, s. 2.

Powers
of Com-
mission.

9. Subject to any direction of the Lieutenant-Governor in Council, the Commission may,—

- (a) construct and operate inclined planes and hydraulic or other lifts, to be worked by any power, acquire and operate busses, coaches and other vehicles for the accommodation of the public, and build and operate boats or vessels to be used in connection with the Park;
- (b) pull down all houses and other erections and buildings on lands acquired and purchased by the authority

of this Act, or such of them or such part thereof as it may deem proper to be pulled down, and level and clear the ground whereon the same stand, in such manner as it may deem proper, and sell the materials of the houses and other buildings to be taken down and removed; and the money to be produced by the sale thereof, after deducting expenses, and also the rents and profits to which they may be entitled meantime, shall be applied in carrying out the purposes of this Act;

- (c) lay out, plant and enclose the Parks in such manner as they think fit, and improve and develop the same in accordance with the objects of this Act;
- (d) take and collect tolls for the use of constructions, appliances, vessels, or works required to afford facilities to visitors to reach and view the points of interest within the Parks, and involving the expenditure of money in construction and maintenance, as well as for services to be rendered for the convenience or accommodation of visitors;
- (e) make orders and regulations for opening and closing the gates and entrances of the Parks at such hours as they think fit, but so as not to interfere with or affect an agreement heretofore entered into between the Commission and the Canada Southern Railway Company. R.S.O. 1914, c. 50, s. 13. *Amended.*

10. All works or land whereon any expenditure is authorized in pursuance of this Act shall be deemed and are declared to be public works of Ontario notwithstanding that they are in the care or charge of the Commission. R.S.O. 1914, c. 50, s. 14.

Parks to be a
public work.

11.—(1) The Commission may from time to time with the approval of the Lieutenant-Governor in Council make regulations,—

- (a) prescribing the tariff of tolls or payments for the use of works, vessels or services in the Parks;
- (b) governing the conduct of visitors in the Parks;
- (c) fixing the hours during which the Parks or any building or property in the Parks shall be open to the public;
- (d) providing for the use, government, control and

management

management of the Parks and for the protection and preservation of all works in the same from injury and of the trees, shrubs, walks, seats, gates, fences and palings and all other parts thereof;

(e) for the exclusion of improper persons from the Parks; and

(f) for imposing penalties not exceeding \$100 for any breach of any such by-law or regulation.

Offences
punishable
under 1926
c. 31.

(2) Any offence against any such by-law shall be punishable under *The Ontario Summary Convictions Act, 1926*, and the penalties recoverable under this section shall be payable to the Commission. *New.*

Regulations
as to
signboards,
etc.

12.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Commission, may make regulations prohibiting or regulating the erection of signs and signboards and the posting or painting of signs or notices and the exposing of any advertising device upon, or within one-quarter of a mile from any park, boulevard, road, roadway or other land vested in or controlled by the Commission.

Penalty.

1926 c. 31.

(2) Any person contravening any such regulations shall incur a penalty of not less than \$1 nor more than \$100, recoverable under *The Ontario Summary Convictions Act, 1926*, and every such penalty shall be paid over to the Commission. *New.*

Grounds
open to
public.

13. The Parks shall be open to the public, subject to any rules and regulations as to management approved by the Lieutenant-Governor in Council. R.S.O. 1914, c. 50, s. 16.

Where high-
ways vested
in Com-
mission.

Application
of 1923,
c. 49.

14.—(1) *The Public Vehicle Act, 1923*, shall apply to the highways, roads, boulevards and public places vested in the Commission and over which the Commission has control except that as to such highways, roads, boulevards and public places the Commission shall be deemed to be substituted for the Department of Public Highways and for the Lieutenant-Governor in Council, and the licenses, fees and tolls collected by the Commission and the penalties imposed under the said Act or under any regulations made thereunder, shall be payable to the Commission and shall be accounted for and dealt with in the manner provided by section 22 and the following sections of this Act.

Regulations.

(2) The regulations made by the Commission under the authority of subsection 1 shall be subject to the approval of the Lieutenant-Governor in Council. 1923, c. 18, s. 3.

15.—(1) The Commission may appoint such officers as Park officers. may be required for the superintendence and management of the Parks, and may also appoint keepers and other officers to preserve order in the Parks, and may dismiss any persons so appointed.

(2) Such appointments or dismissals shall be subject to Appointment, etc. the approval of the Lieutenant-Governor in Council.

(3) The salaries of such officers shall be payable out of Salaries. any funds in the hands of the Commission.

(4) The Commission may employ gardeners and workmen, Gardeners and workmen. as they may deem necessary, and may dismiss or dispense with the services of such persons, subject to any directions of the Lieutenant-Governor in Council. R.S.O. 1914, c. 50, s. 18.

16. The Commission shall cause books to be provided Books of account. and true and regular accounts to be entered therein of all money received and paid, and of the several purposes for which the same was received and paid; and such books shall at all times be open to the inspection of any of the commissioners, and of the Treasurer of Ontario, and of any person appointed by the Commission or Treasurer for that purpose, and of any other person appointed by the Lieutenant-Governor; and any commissioner and any such person may take copies of, or extracts from such books. R.S.O. 1914, c. 50, s. 19.

17. Any person entrusted by the Commission with the Security by custody or control of money, by virtue of his employment, officers. shall give security in the manner and form provided by *The Rev. Stat. Public Officers Act.* R.S.O. 1914, c. 50, s. 20.

18.—(1) The Commission shall make an annual report for Annual report and the information of the Legislature, setting forth the receipts accounts. and expenditure of the year, and such other matters as may appear to them to be of public interest in relation to the Parks, or as the Lieutenant-Governor in Council may direct. R.S.O. 1914, c. 50, s. 27 (1).

(2) Sections 11, and 29 to 31 of *The Audit Act* shall apply to Application of The Audit the accounts of the commissioners in respect of receipts and Act. expenditures. R.S.O. 1914, c. 50, s. 27 (2); 1914, c. 2, sched. (16).

19.—(1) The Commission and the corporation of any Agreement between municipality in which lands vested in the Commission are Commission and muni- situate or which adjoins such lands may enter into an agree- cipality for ment,— construction of works on roads, etc.

- (a) for the acquiring by such corporation of lands for the purpose of constructing, reconstructing, widening, altering or improving any highway in such municipality;
- (b) for the construction, reconstruction, widening, alteration or improvement of such highway and its maintenance and repair by the Commission;
- (c) for vesting in the Commission the ownership or control of such highway;
- (d) for the apportionment of the cost of any work done on such highway between the Commission and the corporation of such municipality;
- (e) for the payment by the corporation of such municipality of its share of the cost of such work either in one sum or by way of a fixed annual grant or by the issue of debentures of the municipality and the delivery of such debentures to the Commission;

Proviso.

Provided that the cost of acquiring such land, including any claims for compensation by the owners of lands affected by the work, shall be borne by the corporation of such municipality.

Former agreements validated.

(2) Every agreement heretofore entered into for any of the purposes mentioned in subsection 1 shall be and shall be deemed to have been legal, valid and binding upon the Commission and the corporation of any municipality entering into the same.

Assent of electors unnecessary.

(3) It shall not be necessary that any such agreement shall be submitted to or receive the assent of the electors of the municipality.

Approval of Lieutenant-Governor in Council.

(4) Every agreement between the Commission and the municipal corporation entered into under this section shall be subject to the approval of the Lieutenant-Governor in Council and every agreement so approved and all by-laws passed and all proceedings taken and all debentures issued in pursuance of such agreement shall be legal, valid and binding and shall not be open to question upon any ground whatsoever. 1925, c. 32, s. 3.

Nuisances.

20. The Commission shall not carry on or allow to be carried on in the Parks or upon any of the lands so acquired by them, any noisome or offensive trade or business whatever. R.S.O. 1914, c. 51, s. 6.

21. Subject to any direction or order of the Lieutenant-Governor in Council, and to the provisions of this Act, the Commission may continue to collect the revenues and rentals payable or collectible under the several agreements made by and between the Commission acting on its own behalf and with the approval of the Government of Ontario and the Canadian Niagara Power Company, the Ontario Power Company of Niagara Falls and the Electrical Development Company of Ontario, Limited. R.S.O. 1914, c. 50, s. 22; 1920, c. 31, s. 2. *Amended.*

22. The revenues and rentals mentioned in the next preceding section and the revenue received from the other sources authorized by this Act shall be applied as follows:

1. To the payment half-yearly of the interest payable on the debentures issued by the Commission;
2. To provide for the retirement of the said debentures at maturity by a sinking fund or otherwise according to the terms of the debentures issued by the Commission hereunder;
3. To the necessary outgoing expenses of all works necessary to the preservation, improvement and maintenance of the parks, and to the payment of the salaries of the officers and others employed by the Commission, and other incidental expenses;

and all revenues and rentals which are not required for such purposes shall on or before the 1st day of July in each year be paid over by the Commission to the Treasurer of Ontario, and shall form part of the Consolidated Revenue Fund of Ontario. R.S.O. 1914, c. 50, ss. 23 and 25. *Amended.*

23. Before any expenditure on capital account is made out of such revenues and rentals in respect of any works within the parks, or on premises under the control of the Commission, the estimates therefor shall be submitted to and approved of by the Lieutenant-Governor in Council. R.S.O. 1914, c. 50, s. 24.

24. The annual sums for the sinking fund shall be remitted by the Commission to the Treasurer of Ontario by half-yearly payments in such manner as the Lieutenant-Governor in Council may direct and interest to be calculated at the rate of four per centum per annum and compounded half-yearly shall be allowed from the 1st day of January, 1918, upon all sums so received prior to the said date and upon all sums which have been since the said date or may hereafter be so received. R.S.O. 1914, c. 50, s. 26; 1922, c. 38, s. 2.

PART II.

QUEEN VICTORIA PARK.

**Boundaries
of Park.**

25.—(1) The land in the vicinity of Niagara Falls selected by the Commission and approved by the Lieutenant-Governor in Council, whereof the boundaries as surveyed upon the ground are shown by a red verge line marked upon a map, whereof copies duly certified and authenticated are filed and deposited in the office of the registrar of the county of Welland and in the Department of Lands and Forests, excepting throughout the strip of land lying between Range No. 6 as laid down in the plan of the city of the Falls, in the township of Stamford, on the north, and by Street's mill road and the land held by the Carmelite Monastery on the south, the easterly boundary whereof is at a distance of one hundred and thirty feet east of the centre line of the Canada Southern Railway, and the westerly boundary whereof is the westerly line of the Park as marked upon the map, shall constitute "The Queen Victoria Park," heretofore known as "The Queen Victoria Niagara Falls Park," and shall be vested in the corporation as trustees for Ontario.

Entrances.

1922, c. 72.

(2) Until the municipal corporation otherwise enacts by by-law, passed in compliance with section 472 of *The Consolidated Municipal Act, 1922*, Murray street shall be a public entrance to the Park for visitors in carriages or on horses or on foot, and Robinson street shall be a public entrance to the Park for visitors on foot. R.S.O. 1914, c. 50, s. 3. *Amended.*

**Lands along
river bank.**

26. The land lying along the bank of the Niagara river, and not included in the original survey of lots laid out in the townships of Stamford, Niagara, Bertie and Willoughby which have by order of the Lieutenant-Governor in Council been vested in the Commission to be held for the purposes of the Park, and commonly known as "The Chain Reservation," shall form part of the Park and be subject to the control of the Commission as other lands within the boundaries of the Park. R.S.O. 1914, c. 50, s. 4 (1); 1915, c. 14, s. 2.

**Foreshores
and part of
bed of
Niagara
River.**

27. The Lieutenant-Governor in Council may also vest in the Commission to be held for the purposes of the Park and subject to any conditions which may be imposed by order-in-council, any portions of the foreshores or bed of the River Niagara or land covered with water in the River Niagara, which lie in front of the land vested in the Commission by sections 25 and 26, and which at the time of the order-in-council are the property of Ontario, and the foreshores, bed of the river and lands so vested shall thenceforth form part of the

Park and be subject to the control of the Commission as other park lands. R.S.O. 1914, c. 50, s. 5.

28.—(1) The rights, title, possession and franchises which were held and exercised by the St. Catharines, Thorold and Niagara Falls Road Company, or by the persons having the title, interest and possessory rights thereof in respect of that portion of the St. Catharines, Thorold and Niagara Falls road, between the Table Rock and Niagara Falls Suspension Bridge on lot 92 of Stamford, are also vested in the Commission. Rights of St. Catharines, Thorold & Niagara Falls Road Co. vested in Commission.

(2) All rights to take and collect tolls, as well as the public rights in the portion of the St. Catharines, Thorold and Niagara Falls road, within the limits of the Park, as shown upon the plan, are extinguished. Tolls. R.S.O. 1914, c. 50, s. 6.

29. The Commission shall have power to construct and operate a street railway over such road, and may build the same to any points or lands vested in the Commission, and tolls on any such railway may be charged as provided by sections 9 and 11. Power to construct street railway. R.S.O. 1914, c. 50, s. 7.

30. The Commission shall have power to expropriate, in accordance with section 7, the interest of any person in any land lying between the river and the road built on the Chain Reservation and vested in the Commission under the authority of this or any other Act. Powers of expropriation. R.S.O. 1914, c. 50, s. 8.

31.—(1) The Commission may empower the Clifton Suspension Bridge Company to operate their cars by any power, except steam, to and from their bridge across the Clifton Suspension Bridge. Operating cars across the Clifton Suspension Bridge. Chain Reservation, subject to any order of the Board of Railway Commissioners of Canada in that behalf, and subject to the rights, if any, of the Niagara Falls Park and River Railway Company, and to the terms of any agreement made with such company.

(2) Any agreement between the Commission and the Clifton Suspension Bridge Company heretofore made which, if made hereafter would be authorized by this section, is confirmed as if made after the passing of this Act. Agreement heretofore made. R.S.O. 1914, c. 50, s. 28.

32. Subject to the approval of the Lieutenant-Governor in Council, the Commission may, upon terms to be agreed on, grant to the Clifton Suspension Bridge Company, or any other duly incorporated bridge company, any rights over or in respect of lands held by the Commission which may be required for the purposes of building any new bridge over the Niagara River, or of confirming the present occupation. Granting rights over lands to bridge companies.

Exception.

of land by any bridge company now existing, but this shall not authorize the granting of any rights for the purpose in this section mentioned through the lands vested in the Commission by section 25. R.S.O. 1914, c. 50, s. 29.

Grant of strip to Clifton Suspension Bridge Company.

33. Subject to the approval of the Lieutenant-Governor in Council, the Commission may grant to the Clifton Suspension Bridge Company a strip of land from the Chain Reservation along the Niagara River and abutting the land in occupation of the company. R.S.O. 1914, c. 50, s. 30.

Agreements with other companies.

34. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement or agreements with any person or corporation to take water from the Niagara river or from the Niagara and Welland rivers at certain points within or without the Park for the purpose of enabling such person or corporation to generate within or without the Park electricity, pneumatic, hydraulic or other power, conducting and discharging such water through and across the Park or otherwise, in such manner, for such rental, and upon such terms and conditions as may be embodied in the agreement, and as may appear to the Lieutenant-Governor in Council to be in the public interest, including provisions for the removal or demolition of any houses, buildings or structures and the re-erection of the same, or the erection of other houses, buildings or structures instead thereof; but no such agreement shall be operative unless and until ratified and confirmed by resolution of the Assembly. R.S.O. 1914, c. 50, s. 32.

PART III.

BUTLER'S BURYING GROUND.

Power to acquire Butler's Burying Ground.

35.—(1) The Commission shall have power to acquire the land set apart as a burying ground wherein the remains of Colonel John Butler and other officers and men of the corps known as Butler's Rangers were interred, and described as,—

All that certain parcel or tract of land situate in the township of Niagara, in the county of Lincoln, containing two rods and thirty-six perches, more or less, and being part of a certain tract of land containing one hundred and fifteen acres, more or less, granted by patent from the Crown, bearing date the 5th day of February, one thousand eight hundred and three, to one Andrew Butler, gentleman, and described as follows: Commencing in survey at the distance of eighty-six chains from what is called the mile tree, on the Garrison Line, on a course bearing north seventeen degrees west, and which said two rods and thirty-six perches are butted and bounded or may be otherwise known as follows, that is to say: commencing at a stone monument marked G.Y., at the southeast angle of the

graveyard, thence north eight degrees forty minutes east two chains, thence north forty-nine degrees west along the bottom of the hill two chains, thence south seventy-one degrees west one chain seventeen links, thence south ten degrees west three chains fifty links, thence north seventy degrees east one chain sixty-one links to the place of beginning.

(2) Where the boundaries of such land have become ^{Idem.} obliterated the Commission shall have power to acquire such parcels of land as they shall determine with the aid of an Ontario land surveyor to be identical, or as nearly as may be identical, with such burying ground.

(3) The Commission shall have power to acquire roadways ^{And road-ways.} not exceeding forty feet in width from any of the roads in the neighbourhood of the burying ground.

(4) Upon acquiring such land, or any part thereof, from ^{Title.} any person now in possession of the same or of any part thereof, claiming title by prescription or by conveyance from a person claiming title by prescription, and showing such title to the satisfaction of the Commission, a valid title to such land shall be vested in the Commission.

(5) With the consent of the Lieutenant-Governor in ^{Other} _{adjacent} Council, the Commission may acquire other adjacent land. ^{lands.}

(6) The Commission in respect of such land and ways, ^{General} _{powers in relation thereto.} shall have powers for the acquisition, management, control and improvement thereof similar to those conferred by Part II. R.S.O. 1914, c. 50, s. 34.

36. Nothing in the next preceding section shall authorize ^{Rights of interment} _{not affected.} the interference with any existing right to inter the body of any deceased person in such burying ground, nor shall anything herein confer the right to remove any body there interred, but, subject to the provisions of this section, the Commission shall have the right to enter upon, put in order, maintain and keep in repair such burying ground. R.S.O. 1914, c. 50, s. 35.

PART IV.

DRUMMOND HILL BURYING GROUND AND LUNDY'S LANE BATTLEFIELD AND CEMETERY.

37. The interest of the Crown in the land set apart as a ^{Drummond} _{Hill Burying} ^{Ground and} _{Lundy's Lane} ^{Battle-field and} _{Cemetery} ^{vested in} _{Commission.} burying ground and battlefield, and sometimes known as Drummond Hill Burying Ground and Lundy's Lane Battle-field and Cemetery, is vested in the Commission; being all and singular those certain parcels or tracts of land and premises, situate, lying and being in the city of Niagara Falls

in the county of Welland, and being composed of lot number six on the south side of Lundy's Lane between Victoria street and Main street, and lot number "C" in the rear thereof, and part of lot number five on the east side of Victoria street or concession road between Lundy's Lane and Barker street, all being shown on plan number 653 registered for the city of Niagara Falls, and which may be more particularly described as follows:

Commencing on the south side of Lundy's Lane at the northeasterly angle of lot number six, thence southerly along the easterly limit of lot six and lot "C" four hundred and forty feet ten and one-half inches more or less to the southeast angle of lot "C"; thence westerly along the southerly limits of lot "C" and lot five, four hundred and seventy-four feet six and one-half inches more or less to a point one hundred and sixty-seven feet, seven and one-half inches westerly from the southeast angle of lot number five; thence northerly and parallel with Victoria street two hundred and fifty-nine feet ten and one-half inches more or less to the southwest corner of the Presbyterian Church property; thence easterly along the southerly limit of the said Presbyterian Church property one hundred and sixty-seven feet seven and one-half inches more or less to the southeast angle of the said church property, being also the northeast angle of lot number five; thence northerly along the easterly boundary of the said church property one hundred and eighty-one feet more or less to Lundy's Lane; thence easterly along south side of Lundy's Lane three hundred and six feet eleven inches more or less to the place of beginning. R.S.O. 1914, c. 50, s. 36 (1).

Existing rights as to burial preserved.

38. Nothing in the next preceding section shall authorize the interference with any existing right to inter the body of any deceased person in such burying ground, nor shall anything herein confer the right to remove any body there interred; but, subject to the provisions of this section, the Commission shall have the right to enter upon, put in order, maintain and keep in repair such burying ground. R.S.O. 1914, c. 50, s. 37.

PART V.

QUEENSTON HEIGHTS PARK.

39. The parcels of land following:

Park established.

- (a) The ordnance land surrounding Brock's Monument at Queenston in the township of Niagara, in the county of Lincoln, containing by admeasurement thirty-one acres, be the same more or less as described in Letters Patent under the Great Seal of Canada, dated 5th May, 1896;

(b)

- (b) The parcel of land in the village of Queenston in the township of Niagara and county of Lincoln, containing by admeasurement 236 1/1,000 of an acre, be the same, more or less, which land was on 21st August, 1896, conveyed by deed to the Commissioners for the Queen Victoria Niagara Falls Park, registered in the office of the registrar for the county of Lincoln as number 3435 at 10 a.m. of the 28th August, 1896;
- (c) The parcel or tract of land, in the township and county aforesaid, being composed of part of lot number three in the broken front concession, and part of that portion of the Military Reserve purchased by Messrs. Gzowski and Company from the War Department, containing twelve acres and one-half, be the same more or less, adjacent to the above mentioned monument land on the south;
- (d) The parcel or tract of land in the township and county aforesaid, being composed of part of lot number four in such township containing ten acres more or less adjacent to the monument lands on the north, save and except thereout a strip of land sixty-six feet wide, for the right-of-way of the International Railway Company, the centre line of which right-of-way may be described as follows: Beginning at a point on the southerly side of York street at a distance westerly from the northwest corner of the land above described of five chains ten links more or less, thence on a curve of 200 feet radius to a point on the southerly limit of the lands described distant seven chains and seventy-five links more or less from the southwesterly corner thereof, which land has been approved by the Lieutenant-Governor, and marked upon the map of the Park and submitted to the Lieutenant-Governor and approved in council and copies whereof duly certified and authenticated are filed and deposited in the office of the Minister of Lands and Forests, and in the office of the registrar for the county of Lincoln;

are set apart as a public park to be known as "The Queenston Heights Park," and the said land and the control and management thereof is vested in the Commission as trustees for Ontario, subject to the provisions of this Act. R.S.O. 1914, c. 51, s. 2.

40. Subject to the consent of the Lieutenant-Governor in Council, the Commission may acquire and hold for the purposes hereinbefore mentioned, any ordnance or Admiralty Power of Commission to hold certain other lands.

land of Canada adjacent to the Niagara river or within three miles thereof which the Governor-General in Council may vest in them, by lease or otherwise, and the Commission shall thereby acquire the same right as any other lessee or licensee under like tenure to protect the said land against waste, spoil or destruction to, of or upon the said lands. R.S.O. 1914, c. 51, s. 3.

Power
to acquire
certain other
lands.

41. The Commission, with the approval of the Lieutenant-Governor in Council, may from time to time acquire such lands adjacent to or in the vicinity of the land hereinbefore mentioned in which any historic or public interest is deemed to attach, and shall hold the same in trust for Ontario subject to any trust declared in the deed or other instrument under which such lands are acquired and subject to the provisions of this Act. R.S.O. 1914, c. 51, s. 4 (1).

SCHEDULE.

R.S.O. 1914, Chapter 50 (*The Queen Victoria Niagara Falls Park Act*)—The whole, except sections 11, 12, 21, 31 and 33.

1914, Chapter 2 (*An Act to confirm the Revised Statutes of Ontario, 1914, and to correct certain clerical and typographical errors therein*—Sched. Item (16).

1915, Chapter 14 (*The Queen Victoria Niagara Falls Park Amendment Act, 1915*)—The whole.

1920, Chapter 31 (*The Queen Victoria Niagara Falls Park Act, 1920*)—The whole.

1922, Chapter 38 (*The Queen Victoria Niagara Falls Park Amendment Act, 1922*)—The whole.

1923, Chapter 18 (*The Queen Victoria Niagara Falls Park Act, 1923*)—The whole, except section 2.

1925, Chapter 32 (*The Queen Victoria Niagara Falls Park Act, 1925*)—The whole.

R.S.O. 1914, Chapter 51 (*The Queenston Heights Park Act*)—The whole.

CHAPTER 25.

An Act to amend The Provincial Parks Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Provincial Parks Act, 1927*. Short title.

2. Section 6 of *The Provincial Parks Act* is repealed and the following substituted therefor: Rev. Stat. c. 52, s. 6, repealed.

6. Except as hereinafter provided, no timber or wood shall be cut within the park and no person shall locate, settle upon, use or occupy any part of a provincial park. Cutting timber or settling in park.

3. The clause lettered *h* in section 7 of *The Provincial Parks Act* is repealed and the following substituted therefor: Rev. Stat. c. 52, s. 7, cl. *h*, repealed.

(*h*) The preservation and protection of fish, birds, and animals in the park, and for the destruction and sale of any fish, birds, and animals, which may be deemed by the Minister to be noxious, injurious, or destructive, or the numbers of which he may deem it advisable in the public interest to reduce. Regulations.—protection of fish and game, etc.

4. Section 9 of *The Provincial Parks Act* is repealed and the following substituted therefor: Rev. Stat. c. 52, s. 9, repealed.

9. Hunting, trapping, fishing, spearing, catching, or killing within the park of any fish, bird or animal, except as permitted by this Act or regulations made thereunder, is prohibited under a penalty not exceeding \$200 for each offence. Penalty for illegal fishing, hunting, etc.

5. *The Provincial Public Parks Act* is amended by adding thereto the following section: Rev. Stat. c. 52, amended.

9a. Carrying or using within the park any fishing net, night line, trap, spear, firearm, explosive, or any weapon. Having illegal implements in park.

weapon or instrument for hunting, trapping, fishing, spearing, catching, or killing, of fish, bird, or animal, except as permitted by this Act or regulations made thereunder, is prohibited under a penalty not exceeding \$200 for each offence.

Rev. Stat.
c. 52, s. 10,
amended.

6. Section 10 of *The Provincial Parks Act* is amended by striking out the words "fur-bearing or game," in the second line thereof.

Rev. Stat.
c. 52, s. 11,
repealed.

7. Section 11 of *The Provincial Parks Act* is repealed and the following substituted therefor:

Angling
licenses.

11.—(1) For the purpose of supplying food for visitors or officers of the park or rangers or labourers therein employed by or under the control of the superintendent, the Minister, or such other person as shall be authorized by the Lieutenant-Governor in Council, may issue a license to carry hooks and lines and to fish therewith.

Fish
not to be
trafficked in.

(2) No fish caught within the waters of the park may be sold, bartered or trafficked in, under a penalty not exceeding \$50 for each offence.

Rev. Stat.
c. 52, s. 12,
amended.

Arrest in
view of
offence.

8. Section 12 of *The Provincial Parks Act* is amended by inserting after the word "law" in the fifth line, the words "any person found violating any provision of this Act or of the regulations made thereunder."

Rev. Stat.
c. 52, s. 13,
repealed.

9. Section 13 of *The Provincial Parks Act* is repealed.

Rev. Stat.
c. 52, s. 14,
repealed.

10. Section 14 of *The Provincial Parks Act* is repealed and the following substituted therefor:

Seizure of
implements
unlawfully
used.

14.—(1) The superintendent or any park ranger or any member of the Ontario Provincial Police Force, or other person appointed by the Minister for the purpose, may seize, take possession of and retain any net, trap, spear, firearm, explosive, weapon or instrument which he may find within the park, whether the same is held or set out with intent to take or kill any fish, bird or animal the taking or killing of which is forbidden by this Act, or otherwise; and may also seize and take possession of all furs, skins, peltries, fish, birds or animals found

within

within the park, and the burden of proving that such furs, skins, peltries, fish, birds or animals have not been taken or obtained contrary to law shall rest upon the person claiming the same or in whose possession they may be found.

- (2) The superintendent shall forthwith report any such seizure to the Minister, who may direct the confiscation of the articles seized or any of them and may direct that they be destroyed, or sold as the regulations may provide. *Report on seizure.*
- (3) For the purpose of searching for and seizing nets, traps, spears, firearms, explosives, weapons, instruments, furs, skins, peltries, fish, birds or animals, the superintendent, any park ranger, any member of the Ontario Provincial Police Force, or other person appointed by the Minister for the purpose, may without a search warrant, search any boat, craft or vehicle propelled by gas, steam, electricity or any other means, and any person, building, place, or receptacle wherever found within the park, and may for such purpose enter into any building or place, or any part thereof, and may break open any door, lock or fastening of any building, place or receptacle, and shall have the power provided in subsection 1 of this section. *Searching without warrant.*
- (4) The superintendent or any park ranger, or any member of the Ontario Provincial Police Force, or other person appointed by the Minister for the purpose, may seize, take possession of and retain any net, trap, spear, firearm, explosive, weapon or instrument used in the violation of any provision of this Act and found without the limits of the park, and upon the direction of any justice of the peace for the confiscation and sale thereof the articles so found shall be sold in such manner as the regulations may provide. *Seizure of implements unlawfully used.*
- (5) The proceeds of all articles sold under the provisions of this section shall be paid in to the credit of the Consolidated Revenue Fund. *Application of proceeds.*
- (6) An arrest, removal, seizure, confiscation, destruction or sale shall not relieve the offender from any other penalty to which he is liable under this Act or otherwise. *Other penalties.*

11. Section 15 of *The Provincial Parks Act* is repealed and the following substituted therefor: *Rev. Stat. c. 52, s. 15, repealed.*

Cutting
timber under
license.

15. Timber and wood may be cut within the limits of the park under the authority of a timber license issued under *The Crown Timber Act* or the regulations made thereunder, or by the authority of the Minister, or under the regulations made by the Lieutenant-Governor in Council for the government and maintenance of the park.

Effect of
license.

- 15a. A timber license over or in respect of any land within the park shall not entitle the holder thereof to exclusive possession of such land as against the Crown or its agents, servants, licensees or lessees, or the holder of any permit from the Crown, nor shall any such license exempt the holder thereof, his agents or employees, from the provisions of sections 9 and 9a of this Act.

Supervision
of cutting
by license.

- 15b. All cutting of timber by a licensee shall be subject to the supervision and control of a person appointed by the Minister from time to time for that purpose, but in the event of a disagreement between the person so appointed and the licensee, the matter may be referred to the Minister whose decision shall be final. Such cutting shall take place only as and when directed by the Minister and subject to such diameter limits, sequence of cutting, removal and disposition of slash, provision for re-seeding, and such further and other restrictions as may be determined by the Minister from time to time.

Withdrawal
of timber
from cutting.

- 15c. For the purpose of watershed protection, beautification of park, fire protection, game preserves or game shelters, or for any other purpose that from time to time the Minister may deem advisable, the Minister, out of the areas included in any timber license, may withdraw certain timber from cutting and direct that such timber shall be left standing, and the licensee shall not be entitled to any compensation for such timber so withdrawn unless directed by the Lieutenant-Governor in Council.

Brush
disposal.

- 15d. All licenses from time to time issued shall, among other things, contain such provision as may from time to time be made by the Minister for brush disposal, diameter limit, timber cut, filing of plans for each season's operations and obtaining the consent and approval of the officer in charge of operations upon the limit.

Special
regulations.

- 15e. All timber licenses or permissions to cut timber issued for lands included in any provincial park shall

shall be subject, not only to *The Crown Timber Act* and regulations made thereunder, but also to all special regulations in respect of timber dues, ground rent and fire charges which may from time to time be made by the Lieutenant-Governor in Council.

- 12.** Section 16 of *The Provincial Parks Act* is amended ^{Rev. Stat. c. 52, s. 12.} by adding at the end thereof the words "made under this ^{amended.} Act."

- 13.** Section 17 of *The Provincial Parks Act* as amended by ^{Rev. Stat. c. 52, s. 17.} section 14 of *The Statute Law Amendment Act, 1914*, is repealed ^{repealed.} and the following substituted therefor:

- 17.—(1) In this section "intoxicating liquor" shall mean ^{Definition.} "liquor" and "beer" shall mean "beer" as defined by *The Liquor Control Act (Ontario)*.
- (2) No license shall be issued for the sale of intoxicating ^{Liquor in parks.} liquor within the Park or within one mile of any part thereof.
- (3) Any intoxicating liquor found within the limits of ^{Seizure of liquor found in parks.} the Park and held for the purpose of sale, and whether held for sale or not if a quantity exceeding one quart of intoxicating liquor or nine quarts of beer is so found in possession of any one person, may be seized and destroyed by any Park Ranger, Constable, or Officer appointed under *The Liquor Control Act (Ontario)*.
- (4) Any parcel, package or case containing intoxicating ^{Possession.} liquor although addressed or consigned to more than one person shall, for the purposes of this section, be deemed to be in the possession of one person only.
- (5) For the purpose of enforcing within the park the ^{Powers of rangers.} provisions of this Act and of any enactment of the Provincial Legislature for the purpose of preventing, decreasing or controlling the sale or use of intoxicating liquors within the Province, every ranger shall have all the powers and authority of a constable, license inspector, or other officer appointed under such last-mentioned enactment.

- 14.** Section 24 of *The Provincial Parks Act* is repealed and ^{Rev. Stat. c. 52, s. 24.} the following substituted therefor: ^{repealed.}

- 24.—(1) Nothing herein shall withdraw the territory ^{Enforcement of game laws.} comprising the park or that within a mile from any part thereof from the operation of *The Ontario Game and Fisheries Act, 1927*, except as therein or herein otherwise provided.

Enforcement
of game
laws.

- (2) All persons appointed under *The Ontario Game and Fisheries Act, 1927*, to enforce the provisions thereof, shall as to the territory in every provincial park be under the control and direction of the superintendent of the park, and this Act and the regulations made thereunder shall, as to said territory, take precedence over *The Ontario Game and Fisheries Act, 1927*, and the regulations made under said last-mentioned Act.

Rev. Stat.
z. 52, Part I,
amended.

15. Part I of *The Provincial Parks Act* is amended by adding thereto the following section:

Application
of Part I.

- 27a. Except as expressly provided in this Act or in any Act creating a provincial park, the provisions of this Part shall apply to every park named in this Act and to every other provincial park that heretofore has been or hereafter may be created under the provisions of this Act.

Rev. Stat.
z. 52, s. 30,
repealed.

- 16.** Section 30 of *The Provincial Parks Act* is repealed and the following substituted therefor:

Timber
licensees'
rights in
Algonquin
Park,—
when to
terminate.

30. All interest or claim of the holder or owner of a timber license heretofore issued or renewed in or to any kind of timber in the Algonquin Provincial Park shall, as to pine timber on and after the expiry of thirty years from the 30th day of April, 1930, and as to all timber other than pine on and after the expiry of fifteen years from the said 30th day of April, 1930, cease and determine and all the timber covered by such licenses shall become the property of His Majesty; provided that at the expiration of such respective periods the holders of licenses then in force shall have the first right to any new licenses over any land covered by such expiring licenses, but upon such terms and conditions and payments as the Minister may deem just having regard to the condition of the wood, pulp and lumbering industry in the Province of Ontario at that time.

Limitation
as to licenses
since 1st
July, 1924.

- 30a. Section 30 shall not apply to any license or licenses issued under or by virtue of any sale of timber made by the Crown subsequent to the first day of July, 1924.

Rev. Stat.
z. 52, s. 31,
subs. 1, 2
repealed.

- 17.** Section 34 of *The Provincial Parks Act* is amended by striking out subsections 1 and 2 thereof, and substituting therefor the following:

- 34.—(1) No person shall at any time shoot, hunt, trap, take, kill or destroy any animal, bird or fowl within Rondeau Park or within 2 miles of the park or within Rondeau Harbour, except under authority of a license or permit granted in accordance with the regulations hereinafter authorized. Hunting,
fishing, etc.,
in Rondeau
Park with-
out license
prohibited.
- (2) The Lieutenant-Governor in Council may make ^{Regulations.} regulations as to the shooting, hunting, trapping, taking, fishing, killing or destroying within Rondeau Park or within two miles of the park or within Rondeau Harbour, any animal, fish, bird or fowl protected by the provisions of this Act.

18. Section 35 of *The Provincial Parks Act* is repealed.

<sup>Rev. Stat.
c. 52, s. 35,
repealed.</sup>

CHAPTER 26.

An Act for the Granting of Assistance to the Royal Agricultural Winter Fair Association of Canada.

Assented to 5th April, 1927.

Preamble.

WHEREAS the Royal Agricultural Winter Fair Association of Canada is in need of assistance to provide adequate and sufficient accommodation for live stock entered for competition in various classes; and whereas for the purpose of erecting and equipping a building or buildings to be used to display for public inspection the live stock, agricultural and dairy products of Canada annually at the Royal Agricultural Winter Fair and to be situated in the Exhibition Park at Toronto adjacent to the building known as the "Royal Coliseum," the Government of Canada has by the Royal Agricultural Winter Fair Association Act provided for payment to the Royal Agricultural Winter Fair Association of Canada of an annual sum of \$35,000 in each of twenty successive fiscal years beginning with the year ending 31st March, 1928, conditional upon the Government of the Province of Ontario making to the said Association a grant equal in amount and for the same periods;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Winter Fair Act, 1927.*

Grant of \$700,000.

2. From and out of moneys appropriated from time to time for the Department of Agriculture there shall be paid out to the Royal Agricultural Winter Fair Association of Canada the sum of \$700,000 to be paid as follows, namely,—

In annual payments of \$35,000 for twenty years, the first of such annual payments to be made during the fiscal year ending on 31st October, 1927, and the other such annual payments to be made during each of the nineteen succeeding fiscal years, the last of such annual payments to be made during the fiscal year ending on 31st October, 1946.

Provided,

Provided that any portion of any of the above sums which may remain unpaid at the expiration of any of the said financial years previous to the last shall be carried forward and remain available during any one or more of the succeeding years.

Provided also that the total amount to be so paid is not to exceed the amount actually required to pay off the principal and interest of the debentures to be issued by the corporation of the city of Toronto under authority of *The Winter Fair Act, 1926*, in respect to the cost of the erection of the building or buildings provided for in the agreement between the said corporation and the Royal Agricultural Winter Fair Association of Canada set out in said Act as schedule "A" thereto, according to the terms of the said debentures, and that if such required amount shall be less than \$1,400,000 the annual payments of \$35,000 each hereby authorized shall only be made for such period of years less than twenty as will provide the said corporation with such required amount, and the payment in the last year of such period shall be reduced to such amount as shall be required to pay off one-half of the principal and interest of the debentures then outstanding.

3. The payments hereinbefore authorized shall be made <sup>Conditions
of grant.</sup> subject to the following conditions, namely,—

1. That the directors of the said association will make allocation of space for the different classes of live stock or other exhibits in their buildings as may be approved by the Minister of Agriculture of Ontario or one of his officers to be named by him.
2. That the premiums offered each year for the different classes shall be offered subject to the approval of the Minister of Agriculture of Ontario, or one of his officers to be named by him.
3. That, as provided in the said agreement set out as schedule "A" to *The Winter Fair Act, 1926*, the said buildings will be erected according to plans and specifications and at a cost to be approved by the Minister of Agriculture of Ontario, or an officer named by him, and the Province shall have the right to audit the construction cost and to inspect the work in progress by the Department of Public Works.

4. For the purpose of the agreement between the corporation and the association set out in schedule "A" to *The Winter Fair Act, 1926*, and for the carrying into effect of such agreement, the payments authorized to be made by this Act

<sup>Orders in
Council
heretofore
made abro-
gated.</sup>

and by *The Royal Agricultural Winter Fair Association Act* (Canada) shall be substituted for the payments authorized under the orders-in-council annexed to said agreement.

CHAPTER 27.

An Act respecting the Department of Labour.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Labour Department Act*, Short title. 1927.

2. The Department of Labour shall be presided over by the Department of Labour. Minister of Labour.

3. The Lieutenant-Governor in Council shall appoint a Deputy Minister and other officers. Deputy Minister of Labour and such other officers, clerks and servants in the Department as may be deemed necessary or expedient. 1919, c. 22, s. 5. *Amended.*

4. The Deputy Minister shall perform such duties as may be assigned to him by the Lieutenant-Governor in Council or by the Minister. 1916, c. 13, s. 7. Duties of Deputy Minister.

5. The Department shall administer,—

Administration of certain statutes assigned to Department.

(a) *The Stationary and Hoisting Engineers Act;*

(b) *The Building Trades Protection Act;*

(c) *The Factory, Shop and Office Building Act;*

(d) *The Steam Boilers Act;*

(e) *The Employment Agencies Act;*

and such other Acts or regulations as may from time to time be designated by the Lieutenant-Governor in Council. 1916, c. 13, s. 9; 1917, c. 15, s. 1. *Amended.*

6. It shall be the duty of the Department to,—

Duties of Department.

(a)

Statistics
and infor-
mation.

- (a) collect such statistical and other information respecting trades and industries in Ontario as may be deemed necessary or expedient from time to time;

Distribution
of employ-
ment.

- (b) ascertain the localities in which mechanics, artizans or workmen in any particular trade or industry are required and wherever practicable assist in supplying the demand for such work or labour;

Sanitary
and other
conditions.

- (c) ascertain and report upon sanitary and other conditions relating to the health, comfort and well-being of the industrial classes; 1916, c. 13, s. 10, cl. (a-c).

Employment
bureaux.

- (d) establish and maintain in the various centres of population throughout Ontario employment offices and similar agencies for obtaining suitable employment for workingmen, and subject to *The Employment Agencies Act*, to regulate all voluntary, private or municipal employment bureaux; 1916, c. 13, s. 10, cl. (d); 1917, c. 15, s. 2.

Wages.

- (e) ascertain and report upon the rates of wages paid to employees in the various trades and industries carried on in Ontario;

New
industries
in Ontario.

- (f) enquire and report as to the establishment of new industries in Ontario, in any case where by reason of the production of raw material for such industry in Ontario, or the immigration of persons skilled in the particular industry or other circumstances it appears that such industry can profitably be carried on;

Reporting
upon laws in
other parts
of Empire
and in
foreign
countries.

- (g) enquire into, consider and report upon the operation of laws in force in other parts of the Empire and in foreign countries, having for their objects the protection, technical training and welfare of the industrial classes, and make such recommendations and suggestions thereon as may be deemed advisable;

Changes
in the law.

- (h) consider and report upon any petition for, or suggestion of a change in the law of Ontario relating to labour and wages or any matter affecting the industrial classes, presented or made by any trades and labour council or other organization representing those classes or by any other person;

Annual
report.

- (i) prepare and transmit to the Lieutenant-Governor in Council annually a report containing the reports of the officers employed in the administration of the

various Acts assigned to the Department, and upon the work of the Department during the preceding year, together with such statistical and other information as may have been collected in the Department. 1916, c. 13, s. 10, cl. (e-i). *Amended.*

7.—(1) The Lieutenant-Governor in Council may make regulations,—

Lieutenant-Governor in Council may make regulations affecting.

(a) for the establishment of a Provincial Employment Service Council and local employment service councils;

Employment Service Councils.

(b) for defining the scope of the activities of such councils; Scope of councils.

(c) for the payment of travelling expenses and the fixing Travelling expenses of members of a per diem allowance to members of the Provincial Council while transacting the business of the council;

members of councils.

(d) for advancing the travelling expenses of persons travelling to their place of employment who have procured such employment through the Ontario Government Employment Bureaux, and the conditions under which such advances for travelling expenses may be made, but no such advance shall be made unless and until the employer has agreed to repay the agency the advances to be made for such travelling expenses.

(2) The travelling expenses and allowances payable under such regulations shall be payable out of any sums voted by the Assembly and appropriated by the Legislature for Ontario Government Employment Bureaux. 1921, c. 77, s. 2. Expenses and allowances, how payable.

Amended.

8.—(1) The Deputy Minister may require from employers, workmen and other persons such information concerning rates of wages, hours of work, regularity of employment and other matters as he may deem necessary for the proper carrying out of this Act or of any of the Acts administered by the Department.

Powers of Deputy Minister as to obtaining information.

(2) For the purpose of procuring such information the Lieutenant-Governor in Council may authorize any officer of the Department to conduct an investigation or inquiry and may confer upon the Deputy Minister the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act.*

Right of
access.

(3) Such officer acting under the written authority of the Deputy Minister, shall have access at all reasonable hours to any office, factory, shop, place of business or other premises for the purpose of carrying out the provisions of this Act or of any Act administered by the Department.

Penalty for
refusing in-
formation or
interfering
with officers.

1926, c. 31.

(4) Every person who refuses to furnish any returns or information which may be lawfully required, or who hinders or obstructs any officer in the performance of his duties under this Act or any of the Acts administered by the Department shall incur a penalty not exceeding \$20, to be recoverable before a police magistrate or two or more justices of the peace under *The Ontario Summary Convictions Act, 1926*. 1917, c. 15, s. 3; 1918, c. 20, s. 56. Amended.

1916, c. 13;
1919, c. 22;
1921, c. 77;
repealed.

9. *The Trades and Labour Branch Act*, being chapter 13 of the Statutes of 1916; *The Department of Labour Act, 1919*, being chapter 22 of the Statutes of 1919, and *The Department of Labour Act, 1921*, being chapter 77 of the Statutes of 1921, are hereby repealed.

Commence-
ment of
Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 28.

An Act to Make Certain Changes in the Law in
Consequence of the Revision of the Statutes.*Assented to 5th April, 1927.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Statute Revision Amendment Act, 1927.* Short title.

2. *The Interpretation Act* is amended by adding the following section: Rev. Stat., c. I, amended.

22a. The Lieutenant-Governor in Council may make regulations for the due enforcement and carrying into effect of all Acts of the Legislature, and may prescribe forms, and may, where there is no provision in the Act, fix fees to be charged by all officers and persons by whom anything is required to be done. Regulations.

3. Section 20 of *The Agricultural Associations Act* as amended by section 3 of *The Agricultural Associations Amendment Act, 1921,* is repealed and the following substituted therefor: Rev. Stat., c. 46, s. 20, amended.

20.—(1) The Ontario Horticultural Exhibition, the Ontario Provincial Winter Fair, the Ottawa Winter Fair, the Peninsular Winter Fair and such other organizations as may hereafter be designated by the Lieutenant-Governor in Council, shall be corporate bodies under this Act with power to acquire and hold land as a site for fairs and exhibitions, to sell, mortgage, lease or otherwise dispose of the same or any other property held by such body, and the Lieutenant-Governor in Council may prescribe such constitution, rules and regulations as are deemed necessary. Certain fairs and exhibitions incorporated.

<sup>Subs. 1,
retroactive.</sup>

- (2) The preceding subsection shall have effect as from the 1st day of January, 1909.

<sup>Rev. Stat.,
c. 47, s. 18,
subs. 1,
amended.</sup>

- 4.—(1) Subsection 1 of section 18 of *The Agricultural Societies Act* is amended by inserting after the word "site" in the second line the words "or as an enlargement of an existing site and the society shall have and may exercise the like powers as to lands required for the enlargement of an existing site as in the case of lands required for the original site, and subsection 3 shall apply thereto."

<sup>Rev. Stat.,
c. 47,
amended.</sup>

- (2) *The Agricultural Societies Act* is amended by adding thereto the following section:

<sup>Exemption
from
taxation.</sup>

41. The property of an agricultural society shall be exempt from taxation other than for local improvements when in actual occupation by the society, or by its tenants if the rent is applied solely for the purposes of the society.

<sup>Rev. Stat.,
c. 59, s. 4,
amended.</sup>

- 5.—(1) Section 4 of *The County Courts Act* is amended by striking out the words "or by one of His Majesty's Counsel learned in the law" in the third and fourth lines.

<sup>Rev. Stat.,
c. 59, s. 5,
repealed.</sup>

- (2) Section 5 of the said Act is repealed.

<sup>Rev. Stat.,
c. 59, s. 10,
repealed.</sup>

- (3) Section 10 of the said Act is repealed.

<sup>Rev. Stat.,
c. 59, s. 14,
amended.</sup>

- (4) Section 14 of the said Act is amended by adding the following subsection:

- (2) The clerk of any county court may act as special examiner in any action in any county court.

<sup>Rev. Stat.,
c. 59, s. 21,
subs. 1,
amended.</sup>

- (5) Subsection 1 of section 21 of the said Act is amended by striking out the words "Provincial Secretary" and substituting therefor the words "Attorney-General."

<sup>Rev. Stat.,
c. 59, s. 22,
subs. 7,
amended.</sup>

- (6) Subsection 7 of section 22 of *The County Courts Act* is amended by inserting after the word "shall" in the fourth line the words "after the date of the transfer."

<sup>Rev. Stat.,
c. 59, s. 38,
repealed.</sup>

- (7) Section 38 of the said Act is repealed.

<sup>Rev. Stat.,
c. 59, s. 39,
subs. 2,
repealed.</sup>

- (8) Subsection 2 of section 39 of the said Act is repealed and the following substituted therefor:

(2) Where a party does not appear at the trial a motion for a new trial may be made to the judge, but in all other cases a motion for a new trial shall be made to a divisional court. Motion for new trial.

(9) Section 40 of the said Act is amended by striking out the words "Every decision of a judge" in clause *a* and substituting therefor the words "Every decision or order of a judge in court or chambers" and by striking out the whole of clause *b*. Rev. Stat., c. 59, s. 40, amended.

(10) Section 41 of the said Act is repealed. Rev. Stat., c. 59, s. 41, repealed.

(11) Subsection 1 of section 44 of the said Act is repealed and the following substituted therefor: Rev. Stat., c. 59, s. 41, subs. 1, repealed.

(1) The appeal shall be made in the time and manner prescribed by Rules of Court. Appeals, when and how to be made.

(12) Subsection 2 of the said section 44 is repealed. Rev. Stat., c. 59, s. 44, subs. 2, repealed.

6.—(1) Section 3 of *The Execution Act* is amended by striking out the figures "\$150" in the last line of clause *c* and substituting therefor the figures "\$200." Rev. Stat., c. 80, s. 3, amended.

(2) Clause *d* of section 3 of the said Act is amended by striking out the figures "\$40" in the last line thereof and substituting therefor the figures "\$80."

(3) Clause *e* of section 3 of the said Act is amended by striking out the figures "\$100" in the second line and substituting therefor the figures "\$200."

(4) Clause *f* of section 3 of the said Act is amended by striking out the figures "\$100" in the second, fourth, sixth and ninth lines thereof and substituting in each case the figures "\$200."

7.—(1) Subsection 2 of section 7 of *The Mortmain and Charitable Uses Act* is amended by striking out the words "Accountant of the Supreme Court" and substituting therefor the words "Public Trustee." Rev. Stat., c. 103, s. 7, subs. 2, amended.

(2) Subsection 1 of section 8 of the said Act is amended by adding at the end of clause *b* the words "or a vocational or technical school." Rev. Stat., c. 103, s. 8, subs. 1, amended.

Rev. Stat.,
c. 103, s. 10,
subs. 2,
repealed.

(3) Subsection 2 of section 10 of the said Act is repealed and the following substituted therefor:

Where land
remains
unsold after
expiration of
two years.

(2) So soon as the two years or such extended period shall have expired without the completion of the sale of the land, the land shall vest forthwith in the Public Trustee who shall cause the same to be sold with all reasonable speed and after payment of the costs and expenses incurred in or connected with such sale and proceedings shall pay the proceeds to the trustees for the charity.

Rev. Stat.,
c. 103, s. 13,
repealed.

(4) Section 13 of the said Act is repealed.

Rev. Stat.,
c. 114, s. 5,
subs. 2,
repealed.

8.—(1) Subsection 2 of section 5 of *The Partition Act* is repealed and the following substituted therefor:

When pro-
ceedings
may be
commenced.

(2) Where the land is held in joint tenancy or tenancy in common or coparcenary by reason of a devise or an intestacy no proceedings shall be taken until one year after the decease of the testator or person dying intestate in whom the land was vested.

Rev. Stat.,
c. 114, s. 6,
subs. 1,
amended.

(2) Subsection 1 of section 6 of the said Act is amended by striking out the words "or judge upon the application of anyone interested in the land may on such terms and conditions as may be deemed proper" and substituting therefor the words "upon the application of anyone interested in the land may."

Rev. Stat.,
c. 117,
Schedule B,
amended.

9. *The Short Forms of Mortgages Act* is amended by striking out of Schedule B the whole of paragraph 2 in column 2 and substituting therefor the following:

2. Provided always and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators or assigns the just and full sum of (*amount of principal money*) of lawful money of Canada with interest thereon at the rate of (*rate of interest*) per centum per annum on the day and time and in the manner following, that is to say (*terms of payment of principal and interest*) without

any deduction or abatement, and do and shall also pay any taxes, rates, levies, charges or assessments upon the said lands or in respect thereof no matter by whom or by what authority imposed which the said mortgagee, his executors, administrators or assigns shall have paid or shall have been rendered liable to pay, and do and shall also pay all such other sums as the said mortgagee, his executors, administrators or assigns may be entitled to by virtue of these presents, then these presents and everything in the same shall be absolutely null and void; but nothing in this proviso or these presents shall make the mortgagor, his heirs, executors, administrators or assigns liable to pay to the mortgagee, his executors, administrators or assigns any tax, rate or charge imposed upon the mortgagee, his executors, administrators or assigns in respect of the income derived by him or them in respect of the mortgage money or in respect of the devolution of the interest of the said mortgagee in the said lands or mortgage money.

10. *The Apprentices and Minors Act*, being chapter 147 of Rev. Stat.,
The Revised Statutes of Ontario, 1914, is hereby repealed. ^{c. 147,} repealed.

11. *The Law Society Act* is amended by adding thereto the Rev. Stat.,
following section: ^{c. 157,} amended.

45a. No rule, regulation or by-law hereafter made by the Benchers or the Society shall have any force or validity, or be dispensed with unless approved by the Lieutenant-Governor in Council. ^{Approval by Lieutenant-Governor in Council.}

12. Section 3 of *The Barristers Act* is repealed and the Rev. Stat.,
following substituted therefor: ^{c. 158, s. 3,} repealed.

3. The Benchers of the Law Society may make such rules, regulations or by-laws as shall to them seem necessary and proper touching the call or admission of any persons, being British subjects or residents of Ontario who have taken the oath of allegiance and have declared their intention to become British subjects, to practise at the Bar in His Majesty's courts of Ontario and such persons and no others shall be entitled to practise within the said courts, but no such rule, regulation or by-law shall have any force or validity unless approved by the Lieutenant-Governor in Council. ^{Benchers may make rules as to admission of barristers, subject to the approval of the Lieutenant-Governor in Council.}

Rev. Stat.,
c. 159, s. 6,
repealed.

13. Section 6 of *The Solicitors Act* is repealed and the following substituted therefor:

Benchers
may make
rules as to
admission,
etc., of
solicitors.

6. The Benchers of The Law Society may make such rules, regulations or by-laws as shall to them seem necessary and proper touching the admission of any persons, being British subjects or residents of Ontario who have taken the oath of allegiance and have declared their intention to become British subjects, who may be admitted and enrolled as solicitors, and such persons and no others shall be entitled to practise as solicitors in Ontario, but no such rule, regulation or by-law shall have any force or validity unless approved by the Lieutenant-Governor in Council.

subject to
the approval
of the
Lieutenant-
Governor
in Council.

Rev. Stat.,
c. 160, s. 4,
repealed.

14. Section 4 of *The Notaries Act* is repealed and the following substituted therefor:

Power to
take
affidavits.

4. A notary public shall be *ex officio* a commissioner for taking affidavits in and for every county and district in Ontario.

Rev. Stat.,
c. 164, s. 12,
subs. 1,
amended.

15.—(1) Subsection 1 of section 12 of *The Pharmacy Act* is amended by striking out the figures "\$10" in the fifth line thereof and substituting therefor the figures "\$25."

1915,
c. 28, s. 1,
repealed.

(2) Section 1 of *An Act to amend The Pharmacy Act*, passed in 1915 and chaptered 28, is hereby repealed.

Rev. Stat.,
c. 180, s. 2,
amended.

16. Section 2 of *The Ontario Telegraph Companies Act* is amended by adding at the beginning thereof the words "Subject to the provisions of *The Public Service Works on Highways Act*."

Rev. Stat.,
c. 197,
amended.

17. *The Municipal Franchises Act* is amended by adding the following section:

Consent of
electors re-
quired for
contracts
for supply,
etc., of
electrical
power.

2a. A municipal corporation shall not enter into or renew any contract for the supply of electrical power or energy to the corporation or to the inhabitants thereof until a by-law setting forth the terms and

conditions

conditions of such contract has been first submitted to, and has received the assent of the municipal electors in the manner provided by *The Municipal Act*.

18.—(1) Section 3 of *The Municipal Drainage Act* is Rev. Stat., c. 198, s. 3, amended by adding thereto the following subsection: amended.

(1a) The provisions of this Act shall apply and extend to any case where the drainage work is required for the drainage of a road or portion thereof, and in any such case the municipal council may proceed upon a petition describing the road or part of road to be drained, and signed by the engineer or road superintendent appointed under *The Highway Improvement Act* by the Department, county, commission or township having control over such road, and in case the road forms the boundary between two municipalities, the council of either municipality may proceed on such petition.

(2) Subsection 3 of section 102 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

Rev. Stat., c. 198, s. 102
subs. 1,
repealed.

(3) The costs of such appeal shall be in the discretion of the referee.

19. Subsection 2 of section 14 of *The Municipal Arbitrations Act* is repealed.

Rev. Stat., c. 199, s. 14,
subs. 2,
repealed.

20.—(1) Section 26 of *The Public Utilities Act* is amended by adding the following subsection:

Rev. Stat.,
c. 204, s. 26
amended.

(4) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to The Hydro-Electric Power Commission of Ontario shall be a debt and may be recovered by action in any court of competent jurisdiction.

(2) Sections 27 and 27a of *The Public Utilities Act* as enacted by 1924, c. 61, ss. 4 and 5, are repealed and the following substituted therefor:

Rev. Stat.,
c. 204, ss. 27,
27a (1924)
c. 61, ss. 4,
5), repealed.

27.—(1) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to The Hydro-Electric Power Commission of Ontario for a period not exceeding three months by the owner or occupant of any lands for the public utility supplied to him for use thereon shall be a lien and charge upon the estate or interest in such land

land of the person by whom such amount is due and may be collected by distress upon the goods and chattels of such person and by the sale of his estate and interest in the said lands.

Entry by
clerk on
collector's
roll.

- (2) The clerk of the municipality shall, upon notice to him of the amount due and of the person by whom it is due and of the lands upon which a lien is claimed, enter the same upon the collector's roll and the collector shall proceed to collect the same from the goods and chattels and the estate or interest in the lands of the person liable in the same way, as nearly as may be, as municipal taxes are collected.

Right to
distain.

- (3) The municipal corporation or the public utility or hydro-electric commission may before taking proceedings under subsection 2, itself distrain upon the goods and chattels of the person liable to pay for the amount due for any public utility supplied to him.

Deter-
mination of
amount pay-
able in case
of dispute.

- (4) In the event of the owner of the goods and chattels or of the land disputing the amount payable for the public utility, the question of the amount due may be determined by the judge of the county court upon a summary application at the instance of either party and the collector's roll or distress warrant shall, if necessary, be amended in accordance with the findings of the judge.

Rev. Stat.,
c. 205
repealed.

21. *The Municipal Electric Contracts Act*, being chapter 205 of The Revised Statutes of Ontario, 1914, is hereby repealed.

Rev. Stat.,
c. 210,
repealed.

22. *The Toll Roads Act*, being chapter 210 of The Revised Statutes of Ontario, 1914, is hereby repealed.

Rev. Stat.,
c. 220,
repealed.

23. *The Housing Accommodation Act*, being chapter 220 of The Revised Statutes of Ontario, 1914, is hereby repealed.

Rev. Stat.,
c. 227, s. 2,
amended.

24. Section 2 of *The Debt Collectors Act* is amended by striking out the words "any of the forms appended to *The Division Courts Act*" and substituting therefor the words "any of the forms appended to *The Division Courts Act* or of other legal process," by striking out the words "the said court" in the sixth line and substituting therefor the words "any court" by striking out the words "a division court" in the seventh line and substituting therefor the words "any court," and by striking out all words after the word

"otherwise"

"otherwise" in the ninth line and substituting therefor the words "shall incur a penalty for each offence not exceeding \$20 recoverable under *The Ontario Summary Convictions Act*."

25. Section 6 of *The Threshing Machines Act* is repealed. Rev. Stat., c. 238, s. 6, repealed.

26.—(1) Subsection 1 of section 11 of *The Beach Protection Act* is repealed and the following substituted therefor: Rev. Stat., c. 244, s. 11, subs. 1, amended.

(1) No person shall remove any stone, gravel, earth or sand from the bed of any river, stream, or creek running between two municipalities without the consent of the councils of such municipalities, and in no case shall any gravel, earth or sand be removed from the bed of any river, stream or creek so as to injure or endanger the safety of any bridge, drainage pipe or watermain erected or laid by a municipal corporation. Removal of stones, etc., from beds of certain streams prohibited.

(2) *The Beach Protection Act* is amended by inserting Rev. Stat., c. 244, amended. therein the following section:

REMOVING SAND FROM ROADS.

11a.—(1) No person shall remove any stone, gravel, earth or sand from any street or road or from the extension of any street or road into any river or lake without the consent of the council of the municipality in which it is situate. Removal of stones, etc., from street or road prohibited.

(2) Any person contravening this section shall be liable to a penalty not exceeding \$10 for every load removed.

(3) Section 12 of *The Beach Protection Act* is repealed. Rev. Stat., c. 244, s. 12, repealed.

27. *The Ontario Stallion Act*, being chapter 249 of The Revised Statutes of Ontario, 1914, and *An Act to amend The Ontario Stallion Act*, passed in 1914 and chaptered 44, are hereby repealed. Rev. Stat., c. 249, and 1914, c. 44, repealed.

28. Section 12 of *The Fruit Pest Act* is repealed and section 13 of the said Act is amended by striking out the words "after fumigation" in the last line. Rev. Stat., c. 254, s. 12, repealed, s. 13, amended.

29. *The Ontario Reformatory Act* is amended by adding the following section: Rev. Stat., c. 287, amended.

2a. The Lieutenant-Governor in Council may maintain one or more reformatories for the Province of Ontario. Maintenance by Lieut.-Governor in Council.

1914, c. 41.
(1917,
c. 55, s. 5),
amended.

30. Section 6c of *The Fire Marshals Act*, as enacted by 1917, c. 55, s. 5, is amended by adding after the words "fire marshal may" in the first line the words "with the approval of the Minister."

1917, c. 54,
s. 11, subs. 4,
amended.

31. Subsection 4 of section 11 of *The Forest Fires Prevention Act* is amended by striking out the words "in addition to the penalty provided for in subsection 2" in the first and second lines and substituting therefor the words "notwithstanding the penal provisions of this Act."

1917, c. 8,
repealed.

32. *The Current Rate of Interest Act, 1917*, is repealed.

1919, c. 84,
amended.

33. *The Female Refugees Act* is amended by adding the following section:

Parole, re-
commenda-
tion of by
Board.

18a. All commitments made under this Act shall be reported by the judge to the secretary of the Parole Board within three days from the making of the order and it shall be the duty of the Board to investigate the case of every person confined under this Act, and if deemed proper the Board may recommend to the inspector the granting of parole to any such person.

1919, c. 23,
s. 7, subs. 3,
repealed.

34. Subsection 3 of section 7 of *The Vital Statistics Act, 1919*, is repealed and the following substituted therefor:

Certificate
when to be
prima facie
evidence.

(3) The certificate shall show the date of the registration, and when the registration was made with the division registrar within one year after the birth or death took place the certificate shall be *prima facie* evidence of the facts certified to be recorded, and when registration has been permitted by the Registrar-General after the lapse of such year, the certificate may be received by the judge in his discretion as *prima facie* evidence of such facts.

1921, c. 93,
1923, c. 57,
amended.

35.—(1) Section 2 of *The Extramural Employment of Sentenced Persons Act, 1921*, as amended by *The Extramural Employment Act, 1923*, is further amended by inserting the following words at the commencement thereof "Upon the recommendation of the Ontario Board of Parole."

1921, c. 93,
s. 4,
amended.

(2) Section 4 of *The Extramural Employment of Sentenced Persons Act, 1921*, is amended by striking out the following words, "The Lieutenant-Governor in Council may appoint an officer who" and by substituting the following therefor, "The Chief Parole Officer and his assistants subject to the direction of the Ontario Board of Parole."

36.—(1) Section 3 of *The Married Women's Property Act*, 1926, c. 44, s. 3, is amended by adding the following subsections:

- (2) Every woman married on or after the first day of July, 1884, shall also be entitled to have and hold and to dispose of as her separate property all real and personal property belonging to her at the time of marriage.
- (3) Every married woman shall have and hold as her separate property, and may dispose of as such, the wages, earnings, money and property gained or acquired by her in any employment, trade or occupation in which she is engaged or which she carries on and in which her husband has no proprietary interest, or gained or acquired by her by the exercise of any literary, artistic or scientific skill.

(2) Subsection 1 shall be read and construed as if it had been in force on, from and after the 8th day of April, 1926.

37. *The Ontario Summary Convictions Act*, 1926, is amended 1926, c. 31, amended, by adding thereto the following section:

- 12a. In all proceedings for offences against the Statutes of this Province or against the provisions of any by-laws or regulations passed or made under such Statutes, it shall not be necessary for the judge or magistrate to affix his seal to any document, and no document shall be invalidated by reason of the lack of a seal even though it purports to be sealed.

38. Section 26 of *The Dentistry Act*, 1926, is amended by striking out the words "six months" in the sixth line and inserting in lieu thereof the words "one month."

39. *The Administration of Justice Expenses Act*, 1926, is amended by adding thereto the following section:

- 12a. Every local registrar, deputy clerk of the Crown and pleas and deputy registrar, and every officer authorized to act as local registrar, deputy clerk of the Crown and pleas, or deputy registrar, shall be entitled to be paid out of the Consolidated Revenue Fund, \$4 for each day's attendance at non-jury as well as at jury sittings.

40. *The Magistrates Act*, 1926, is amended by adding the following section:

Deputy
police
magistrates
in counties.

33a.—(1) The Lieutenant-Governor in Council may appoint a deputy police magistrate for any county or district, and such appointment may be made notwithstanding that the office of police magistrate is vacant.

Powers
and duties.

(2) The provisions of section 26 shall apply to any deputy police magistrate appointed under this section.

Com.mer.ce-
ment of Act.

41. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 29.

An Act to amend The Judicature Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Judicature Act, 1927.* Short title.

2. Section 6 of *The Judicature Act* as amended by sections 3 and 4 of *The Judicature Act, 1923,* is repealed and the following substituted therefor: Rev. Stat. c. 56, s. 6, repealed.

6.—(1) The High Court Division shall consist of nine judges. High Court Division—
how con-
stituted.

(2) The Chief Justice of the Common Pleas shall retain his present rank and title and shall be president of the High Court Division.

(3) Upon a vacancy occurring in the office of the Chief Justice of the Common Pleas the office shall be abolished and thereafter the High Court Division shall consist of a Chief Justice, who shall be called the Chief Justice of the High Court, and eight other judges.

4) The Chief Justice of the High Court shall be president of the High Court Division.

3. Subsections 1, 2 and 3 of section 7 of *The Judicature Act* are repealed and the following substituted therefor: Rev. Stat. c. 56, s. 7,
subs. 1, 2
and 3
repealed.

7.—(1) The Chief Justice of Ontario shall have rank and precedence over all the other judges.

(2) The Chief Justice of the Second Divisional Court shall have rank and precedence next after the Chief Justice of Ontario. Rank and
precedence.

(3) The Chief Justice of the High Court shall have rank and precedence next after the Chief Justice of the Second Divisional Court.

(3a) The justices of appeal holding office on the 31st day of December, 1912, shall retain their present rank and precedence.

(3b) The justices of appeal appointed after the 31st day of December, 1912, and the other judges shall have rank and precedence after the Chief Justice of the High Court and among themselves according to seniority of appointment.

Rev. Stat.,
c. 56, s. 25,
subs. 1
repealed.

4. Section 25 of *The Judicature Act* is repealed and the following substituted therefor:

Appeal
from inter-
locutory
orders.

25. There shall be no appeal to a Divisional Court from any interlocutory order whether made in Court or Chambers save by leave as provided in the rules.

Rev. Stat.,
c. 56, s. 26,
subs. 2
repealed.

5. Subsection 2 of section 26 of *The Judicature Act* is repealed and the following substituted therefor:

Additional
jurisdiction.

(2) A Divisional Court shall also have jurisdiction as provided by any Act of the Parliament of Canada or of this Legislature.

Rev. Stat.,
c. 56, s. 28,
subs. 1
amended.

6. Subsection 1 of section 28 of *The Judicature Act* is amended by inserting after the word "jury" in the fifth line thereof the words "or by reason of any omission or irregularity in the course of the trial."

Rev. Stat.,
c. 56,
amended.

7.—(1) *The Judicature Act* is amended by adding thereto the following section:

Injunction
mandamus,
etc., not to
lie against
Crown.

33a. No extraordinary remedy by way of injunction, mandamus or otherwise shall lie against the Crown or against any Minister thereof, or any officer acting upon the instructions of any Minister for anything done or omitted or proposed to be done or omitted in the exercise of his office including the exercise of any authority conferred or purporting to be conferred upon him by any Act of this Legislature.

1922,
c. 13, s. 2.
repealed.

(2) Section 2 of *The Declaratory Act, 1922* is repealed.

Rev. Stat.,
c. 56, s. 42,
subs. 1, 2
repealed.

8. Subsections 1 and 2 of section 42 of *The Judicature Act* are repealed.

Rev. Stat.,
c. 56, s. 44,
subs. 6,
amended.

9. Subsection 6 of section 44 of *The Judicature Act* is amended by striking out all the words therein after the word "county" in the second line and inserting in lieu thereof the words "and additional sittings shall be provided where necessary for the due dispatch of public business."

10. Section 46 of *The Judicature Act* is amended by striking out the words "or, in his absence his deputy" in the third and fourth lines and by adding after the word "judge" in the last line the words "or from the Chief Justice of the High Court."

11. Section 56a of *The Judicature Act* as enacted by section 2 of *The Jury Trials Act, 1922*, is repealed.

12. *The Judicature Act* is amended by adding thereto the following section:

65a.—(1) In any action if it appears that a material question to be determined is the true definition of a boundary line such question may be referred to a special referee who shall be an Ontario land surveyor.

(2) The referee shall, by a proper survey, as directed by *The Surveys Act*, and upon hearing the evidence adduced by the parties and their counsel, if any, define upon the ground by such posts and monuments as he deems sufficient the true boundary or division line so in dispute.

(3) The referee shall make a report to the court and shall therein set forth his mode of procedure and what he has done in the premises and also such further or other facts and circumstances as may be necessary to enable the court to finally determine the question and how the costs should be borne.

13. Section 72 of *The Judicature Act* is amended by inserting after the word "authority" in the first line the words "to direct the sale of any lands or personal property or."

14. Section 73 of *The Judicature Act* is amended by adding thereto the following subsection:

(3) The court may direct a sale of the land upon a summary application in an alimony action upon notice to all persons interested in the land.

15. Subsection 1 of section 74 of *The Judicature Act* is amended by inserting after the word "proceedings" in the second line the words "authorized to be taken in court or before a judge."

16. Section 75 of *The Judicature Act* is repealed and the following substituted therefor:

Practice
and
procedure.

75. Subject as to appeals under *The Ontario Controverted Elections Act* to the provisions of that Act and as to appeals and applications for a new trial to the court under *The Criminal Code* to the provisions of that Act, the practice and procedure upon appeals to a Divisional Court shall be that provided by the rules.

Rev. Stat.,
e. 56, s. 76,
repealed.

17. Section 76 of *The Judicature Act* is repealed and the following substituted therefor:

Officers of
Supreme
Court.

76.—(1) There shall be such officers of the Supreme Court as may be deemed necessary by the Lieutenant-Governor in Council for the due dispatch of the business of the court, and such officers, subject to the provisions of section 98 as to special examiners, shall be appointed by the Lieutenant-Governor in Council.

Duties.

(2) The duties of the officers shall be regulated by the rules and by the terms of any order-in-council governing such officers.

Term of
office.

(3) All persons holding office at the time of the coming into force of this Act shall continue to hold office until otherwise directed by order-in-council.

Rev. Stat.,
e. 56, s. 77,
subs. 3,
amended.

18.—(1) Subsection 3 of section 77 of *The Judicature Act* is amended by striking out all the words therein after the word "resides" in the fourth line.

Rev. Stat.,
e. 56, s. 77,
subs. 4,
amended.

(2) Subsection 4 of the said section 77 is amended by striking out the words "or commissioner" in the second line.

Rev. Stat.,
e. 56, s. 77a
(1914),
e. 21, s. 15,
amended.

19. Section 77a of *The Judicature Act* as enacted by section 15 of *The Statute Law Amendment Act, 1914*, and amended by section 5 of *The Statute Law Amendment Act, 1916*, is further amended by striking out the words "local registrar, deputy registrar, deputy clerk of the Crown and county court clerk, surrogate registrar" in the second, third and fourth lines and inserting in lieu thereof the words "local officer of the Supreme Court, county court clerk and surrogate registrar."

Rev. Stat.,
e. 56, s. 78,
subs. 2, cl. b,
amended.

20. The clause lettered *b* in subsection 2 of section 78 of *The Judicature Act* is amended by adding at the end thereof the following words: "who shall be entitled to take the fees prescribed by order-in-council."

Rev. Stat.,
e. 56, s. 80,
repealed.

21. Section 80 of *The Judicature Act* is repealed and the following substituted therefor:

80. The officers in Toronto, save the Official Guardian, special examiners, stenographic reporters and any official referee other than one holding that office *ex officio*, shall keep their offices at Osgoode Hall in the city of Toronto.

22. Subsection 2 of section 85 of *The Judicature Act* is amended by striking out all the words therein after the word "use" in the second line and inserting in lieu thereof the words "shall continue to be used."

23. Subsection 1 of section 86 of *The Judicature Act* is amended by striking out the words "subject to the rules" at the commencement of the said subsection.

24. Subsection 3 of section 87 of *The Judicature Act* is repealed and the following substituted therefor:

(3) The Lieutenant-Governor in Council may relieve any local master from the prohibition of this section. Exemption.

25. Section 89 of *The Judicature Act* is amended by striking out all the words therein after the word "master" in the fifth line.

26. Section 95 of *The Judicature Act* is repealed.

Rev. Stat.,
c. 56, s. 89,
repealed.

27.—(1) Subsection 3 of section 98 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 56, s. 98,
repealed.

(3) There shall be but four special examiners in Toronto.

(2) Subsection 4 of the said section 98 is repealed

Rev. Stat.,
c. 56, s. 98,
subs. 4,
repealed.

28. Subsection 1 of section 99 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 56, s. 99,
subs. 1,
repealed.

(1) The Lieutenant-Governor in Council may commute the fees payable to any officer entitled to take fees to his own use for a fixed annual sum not exceeding the average income derived from such fees during the next preceding five years.

Commuta-
tion of fees.

29. Section 101 of *The Judicature Act* is repealed.

Rev. Stat.,
c. 56, s. 101,
repealed.

30. Section 102 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 56, s. 102,
repealed.

102. The Lieutenant-Governor in Council may appoint an officer to be called the "Inspector of Legal Offices—appointment of.

Offices"

Offices" to inspect the offices of the Supreme Court, of local courts, of Crown-attorneys and such other offices connected with the administration of justice as the Lieutenant-Governor in Council may direct.

Rev. Stat.,
c. 56, s. 104.
subs. 4,
repealed.

31.—(1) Subsection 4 of section 104 of *The Judicature Act* is repealed and the following substituted therefor:

Ex-petition
with pay-
ment of
costs out of
small
estates.

(4) Where an estate is small, and the amount at the credit of the account of the Official Guardian is adequate to pay his salary and the disbursements of his office, the court may direct that no costs shall be paid to him out of the estate.

Rev. Stat.,
c. 56, s. 104.
subs. 6,
in ded.

(2) Subsection 6 of the said section 104 is amended by inserting after the word "and" in the second line the words "out of," and by adding at the end of the said subsection the words "such amount as the finance committee may direct."

Rev. Stat.,
c. 56, s. 104.
subs. 7,
amended.

(3) Subsection 7 of the said section 104 is amended by striking out the words "the Suitors Fee Fund Account" in the third line and inserting in lieu thereof the words "such reserve fund as the finance committee may direct."

Rev. Stat.,
c. 56, s. 105.
subs. 4,
amended.

32. Subsection 4 of section 105 of *The Judicature Act* is amended by striking out all the words therein after the word "court" in the third line.

Rev. Stat.,
c. 56, s. 106.
amended.

33.—(1) Section 106 of *The Judicature Act* is amended by adding thereto the following subsection:

Reserve
fund.

(1a) The finance committee may establish such reserve funds as they may deem expedient in the management of the money in court.

Rev. Stat.,
c. 56, s. 106.
subs. 2,
amended.

(2) Subsection 2 of the said section 106 is amended by striking out the words "or if there is no accountant in the name of such officer as may be directed by the rules" in the second and third lines and inserting in lieu thereof the words "of the Supreme Court of Ontario."

Rev. Stat.,
c. 56, s. 107.
amended.

34. Section 107 of *The Judicature Act* is amended by striking out the words "or by any one appointed to discharge the duties of either of them" in the third and fourth lines, and by striking out the words "or otherwise as heretofore or as may be provided or directed by any such statute, rules, judgment, order or order-in-council" in the ninth, tenth and eleventh lines.

35.—(1) *The Judicature Act* is amended by adding thereto the following section:

107a. Where persons who are subjects of any foreign country having a consul in Canada authorized to act as the official representative of such subjects, are entitled to moneys which have been paid into court, or are in the hands of an executor or administrator, such moneys may be paid to the said consul.

(2) Section 67 of *The Statute Law Amendment Act, 1914*,^{c. 42, s. 67.} is repealed.

36. Section 108 of *The Judicature Act* is amended by striking out the words "as may from time to time be directed by the judges of the Supreme Court or" in the second and third lines, and inserting in lieu thereof the word "by," by inserting after the word "may" in the fourth line the words "with the approval of the finance committee," and by inserting after the word "and" in the ninth line the words "the finance committee."

37. Section 109 of *The Judicature Act* is repealed and the following substituted therefor:

109.—(1) The rules of practice and procedure including the tariffs of fees and costs proclaimed by the Lieutenant-Governor in Council under the authority of *The Judicature Act*, being chapter 19 of the statutes of 1913, and all amendments made to such rules by the judges are confirmed and declared to have the same force and effect as if they were embodied in this Act but the judges may nevertheless from time to time pass rules repealing, amending or varying the same.

(2) The judges of the Supreme Court may at any time amend or repeal any of the rules and may make any further or additional rules for carrying this Act into effect, and in particular for,—

- (a) regulating the sittings of the courts;
- (b) regulating the pleading, practice and procedure in the Supreme Court and in the county and surrogate courts;
- (c) allowing service out of Ontario;
- (d) prescribing and regulating the proceedings under any statute which confers jurisdiction upon the court or a judge;

(e)

(e) fixing the vacations;

(f) empowering the master in chambers, or any officer sitting for him, or the local judges, or the local masters in respect of actions brought in their counties, to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as are or may be done, transacted or exercised by a judge of the Supreme Court, in court, upon motions for judgment in undefended actions, for the appointment of receivers by way of equitable execution and for *ex parte* injunctions and upon motions in chambers or as shall be specified in the rules except in respect to matters relating to,—

(i) the liberty of the subject;

(ii) appeals and applications in the nature of appeals;

(iii) proceedings under *The Lunacy Act*;

(iv) applications for advice under *The Trustee Act*;

(v) matters affecting the custody of children;

(vi) proceedings enabling infants to make binding settlements of their real and personal property on marriage;

(g) generally for regulating any matters relating to the practice and procedure of the courts or to the duties of the officers thereof, or to the costs of proceedings therein; and every other matter deemed expedient for the better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts respecting such courts;

(h) subject to the approval of the Lieutenant-Governor in Council for making rules from time to time regulating all fees payable to the Crown in respect of proceedings in any court.

- (3) Where any provisions in respect of the practice or procedure are contained in any statute, rules may be made modifying such provisions to any extent that may be deemed necessary for adapting the same to the general practice and usage of the court unless that power is expressly excluded. Power to modify statutory provisions as to procedure.
- 4) Any provisions relating to the payment, transfer or deposit into, or in, or out of any court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure. Provisions as to payment into or out of Court of money, etc.

38. Section 110 of *The Judicature Act* is repealed.

Rev. Stat.
c. 56, s. 110,
repealed.

39. Section 114 of *The Judicature Act* is amended by inserting the word "local" before the word "judge" in the second line, and by striking out the words "in the exercise of such jurisdiction" in the fourth line. Rev. Stat.
c. 56, s. 114,
amended.

40. Section 117 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat.
c. 56, s. 117,
repealed.

117. Every officer of the Supreme Court shall for the purposes of any proceeding before him have power to administer oaths and to examine parties and witnesses. Administration of oaths.

41. Section 120 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat.
c. 56, s. 120,
repealed.

120. This Act shall not affect the power to issue commissions for the discharge of civil or criminal business on circuit or otherwise. Power to issue commissions not to be affected.

42. *The Judicature Act* is amended by adding thereto the following section: Rev. Stat.
c. 56,
amended.

120a. Any judge presiding at any sittings of the court or in chambers shall be deemed to constitute the court. Judge to constitute court.

43. Section 123 of *The Judicature Act* is amended by striking out the word "determined" in the second line and inserting in lieu thereof the word "stayed." Rev. Stat.
c. 56, s. 123,
amended.

44. Sections 135 and 136 of *The Judicature Act* are repealed and the following substituted therefor: Rev. Stat.
c. 56, ss.
135, 136,
repealed.

Protection
to be
afforded by
order or
judgment.

135. Any order or judgment of the court made in an action or upon an originating motion, special case or in any other way permitted by the rules, or any statute, shall effectually protect and indemnify any person acting thereon in good faith.

Rev. Stat.,
c. 56, s. 137,
subs. 1,
amended.

45.—(1) Subsection 1 of section 137 of *The Judicature Act* is amended by striking out the words "upon affidavit that such person has after the expiration of fourteen days from the time of his being committed under or charged with or detained under such process again refused to execute such deed or instrument or make such surrender or transfer" in the ninth to thirteenth lines, and inserting in lieu thereof the words "grant a vesting order or may."

Rev. Stat.,
c. 56, s. 137,
subs. 3,
amended.

(2) Subsection 3 of the said section 137 is amended by striking out all the words at the commencement thereof down to and including the word "made" in the sixth line, and substituting therefor the words "thereupon the party in contempt," by inserting the words "an order that he" after the words "entitled to" in the eighth line and by striking out the words "or attending" in the last line and inserting in lieu thereof the words "or concerning."

Rev. Stat.,
c. 56, s. 139,
repealed.

46. Section 139 of *The Judicature Act* is repealed and the following substituted therefor:

Court may
compulsorily
discharge
prisoners
confined for
contempt.

139. Where any person committed for a contempt is entitled to his discharge upon applying to the court but omits to make such application the court may compulsorily discharge such person from custody and direct payment of the costs of the contempt out of any funds belonging to him over which the court may have power or may order payment of such costs by such person.

Rev. Stat.,
c. 56, s. 141.
subs. 4,
amended.

47. Subsection 4 of section 141 of *The Judicature Act* is amended by striking out the words "and award such costs upon such application as he may think fit" at the end of the said subsection.

1924,
c. 30, ss. 1,
2, 3, and 5-9.
repealed.

48. Sections 1, 2 and 3, and sections 5 to 9, inclusive, of *The Judicature Act, 1924*, are repealed.

Commencement
of Act.

49. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 30.

An Act to amend The County Judges Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The County Judges Act, 1927*. Short title.

2.—(1) Subsection 1 of section 5 of *The County Judges Act, 1919*,^{c. 26, s. 5, subs. 1, amended.} is amended by striking out the words “at the time of the commencement of this Act” in the third and fourth lines and inserting in lieu thereof the words “on the 24th day of April, 1919.”

(2) Subsection 2 of the said section 5 is amended by^{c. 26, s. 5, subs. 2, amended.} striking out the words “at the time of the commencement of this Act” in the second and third lines and inserting in lieu thereof the words “on the 24th day of August, 1919.”

3. Section 5 of *The County Judges Act* as enacted by^{Rev. Stat., c. 58, s. 5 (1921, c. 37, s. 2), repealed.} section 2 of *The County Judges Act, 1921*, is repealed and the following substituted therefor:

5. A junior judge may be appointed for each of the counties of Wentworth, Carleton and Essex.^{Appoint- ment junior judge in Counties Wentworth, Carleton and Essex.}

4. Section 17 of *The County Judges Act* is amended by^{Rev. Stat., c. 58, s. 17, amended.} striking out the words “judge and” in the fifth line.

5. *The County Judges Act* is amended by adding thereto the following section:^{Rev. Stat., c. 58, amended.}

27. Where in any district erected under *The County Judges Act, 1919*, there is a city having a population of 100,000 or more, and it appears to the council of such city that one or more stenographers is needed to do clerical work, other than court reporting for the judges, or any of them, the said council may appoint one or more qualified persons for such purpose, whose salary shall be fixed and paid in monthly instalments, by the said council, provided, however, that such council may arrange with the governing body or bodies of the county or counties comprised in the district, or any of them, for the partial payment or re-imbursement of such salary on such terms as may be agreed upon.^{Appointment of stenographers by city council for judges' clerical work.}

6. This Act shall come into force on the day upon which it receives the Royal Assent.^{Commencement of Act.}

CHAPTER 31.

An Act to amend The Surrogate Courts Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Surrogate Courts Act, 1927*.

**Rev. Stat.
c. 62, s. 29,
repealed.**

2. Section 29 of *The Surrogate Courts Act* is repealed.

**Rev. Stat.
c. 62, s. 38a
(1926, c. 23,
s. 2),
repealed.**

3. Section 38a of *The Surrogate Courts Act* as enacted by section 2 of *The Surrogate Courts Act, 1926*, is repealed.

**Rev. Stat.
c. 62,
amended.**

4. *The Surrogate Courts Act* is amended by adding thereto the following section:

**Fees on
increased
valuation.**

58a. Where after a grant has issued out of the surrogate court the value of the estate has been increased for succession duty purposes the executor or administrator shall forthwith cause law stamps to the amount necessary to pay the fees payable to the Crown on such increased value to be affixed thereto and such stamps shall be cancelled by the registrar who shall include such amount in the totals of the fees of his office payable to the Crown and the judge.

**Rev. Stat.
c. 62
amended.**

5. *The Surrogate Courts Act* is amended by adding thereto the following section:

**Summary
determina-
tion of dis-
putes as to
ownership.**

69a. Where the personal representative of any person claims the ownership of any personal property not exceeding in value \$800 and his claim is disputed by any other person, such dispute may be determined in a summary manner and the provisions of section 69 shall *mutatis mutandis* apply.

**Rev. Stat.
c. 62, s. 69,
subs. 9,
repealed.**

6.—(1) Subsection 9 of section 69 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

- (9) Where the claim is within the jurisdiction of the division court the fees and costs shall be according to the tariff of that court and in other cases the fees payable to the judge of the surrogate court and to the registrar shall be the same as are allowed on an audit in an estate of a value equal to the amount of the claim or so much thereof as is contested and the fees to be allowed to counsel or solicitors shall be fixed and determined by the surrogate judge having regard to the amount involved and the importance of the contest.

(2) The said section 69 is amended by adding thereto the following subsections:

- (17) Where a claim is established under the provisions of this section no proceedings shall be taken to enforce payment of the same without the permission of the judge.
- (18) Where permission to enforce payment of a claim is given the order shall be filed in the county court and an execution shall issue as upon a judgment of that court and an order for payment of costs may be entered in the same way.

7. Subsection 3a of section 71 of *The Surrogate Courts Act* Rev. Stat. c. 62, s. 71, as enacted by section 3 of the Act passed in the year 1919, subss. 3a (1919, c. 27, s. 3), chaptered 27, is repealed.

8.—(1) Subsection 1 of section '74 of *The Surrogate Courts Act* Rev. Stat. c. 62, s. 74, is amended by inserting after the word "thereupon" in the eleventh line the words "as to personal property," and by striking out the clause lettered *a* at the end of the said subsection.

(2) The said section 74 is amended by adding thereto the following subsection:

- (1a) Where it has been shown that the will was executed in manner and form sufficient to pass real property within Ontario under *The Wills Act* and the judge so certifies, the sealing shall have the same effect as to real property as if probate had been granted by the said surrogate court.

9.—(1) Subsection 3 of section 75 of *The Surrogate Courts Act* Rev. Stat. c. 62, s. 75, is amended by striking out all the words therein down to and including the word "judge" in the second line and inserting in lieu thereof the words "save as provided by subsection 3a the fees provided by schedule 'B'."

Rev. Stat.
c. 62, s. 75,
amended.

(2) The said section 75 is amended by adding thereto the following subsection:

Cases in
which fees to
be paid in
cash.

(3a) Where in any county the junior judge has been appointed the surrogate judge the fees provided by schedule "B" shall, notwithstanding anything in this or any other Act contained, be paid to the registrar in cash.

Rev. Stat.
c. 62, s. 76,
(1918, c. 22,
s. 3),
repealed.

10. Section 76 of *The Surrogate Courts Act* as enacted by section 3 of the Act passed in the year 1918, chaptered 22, is repealed, but such repeal shall not affect any county in which the junior judge has been appointed surrogate judge.

Rev. Stat.
c. 62, s. 78,
repealed.

11. Section 78 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Payment
to junior
judge in
certain
cases.

78. Where in any year the fees collected under schedule "B" in any county other than the counties of York and Wentworth exceed \$1,000, the Lieutenant-Governor in Council may direct that the junior judge, not being the surrogate judge, shall be paid a sum equal to the amount by which such fees exceed \$1,000 provided that the amount payable to a junior judge under this subsection shall not exceed \$666.

Rev. Stat.
c. 62, Sched.
"B,"
amended.

12. Schedule "B" to *The Surrogate Courts Act* is amended by inserting before the last item the following words:

"On every such audit where the value of the estate is or exceeds \$10,000 the fee shall be \$2 per hour, but shall not exceed \$10 on any day."

Commencement
of
Act

13. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 32.

An Act to amend The Division Courts Act.

Assented to 5th April, 1927.

HIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Division Courts Act, 1927.* Short title.
2. Section 13 of *The Division Courts Act* is amended by Rev. Stat.
c. 63, s. 13.
amended. adding thereto the following subsection:
- (4) Where in any division the clerk and bailiff are paid for attending court sittings by the local municipality in which the division court is held, under the provisions of subsection 4 of section 47, such local municipality shall be entitled to recover from any other municipality for which the court is held, such reasonable share of the amount so paid to the clerk and bailiff as shall be ordered by the judge. Right of
Muni-
cipalities
re-imbur-
se-
ment for
fees paid
officers.
3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of
Act.

CHAPTER 33.

An Act respecting Juvenile Courts.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

Court to be established wherever *Juvenile Delinquents Act* in force.

Territorial jurisdiction of court.

Court may be established in any municipality.

Judge, appointment of.

Who may act in absence of judge.

1. This Act may be cited as *The Juvenile Courts Act, 1927.*

2.—(1) In every city, town and county in which *The Juvenile Delinquents Act (Canada)* has been proclaimed or shall hereafter be proclaimed, there shall be a court of record to be known as the "juvenile court" of the city, town, county or other area as the case may be. 1916, c. 54, s. 2 (1). *Amended.*

(2) Such court shall have jurisdiction within such territory, in addition to the area included within the limits of such city, town or county, as the Lieutenant-Governor in Council may from time to time designate.

(3) The Lieutenant-Governor in Council may at any time establish a juvenile court for any municipality or for any portion thereof. 1916, c. 54, s. 2 (2, 3).

JUDGES.

3.—(1) The judge of a juvenile court shall be appointed by the Lieutenant-Governor in Council, and shall hold office during good behaviour and residence in the county for which he is appointed and shall be subject to removal by the Lieutenant-Governor in Council. 1916, c. 54, s. 3 (1). *Amended.*

(2) In the event of the absence or illness of the judge of the juvenile court, on the written request of the said judge any police magistrate, or on the written request or with the written approval of the Attorney-General any person may act as judge of the juvenile court. 1916, c. 54, s. 3 (3). *Amended.*

(3) Any justice of the peace may, on the written request of the Attorney-General, act as juvenile court judge for the trial of any case specified in the said request and shall while so acting have all of the powers of a juvenile court. 1916. c. 54, s. 3 (4).

When J.P.
may act.

JURISDICTION.

4. Every such court shall be a juvenile court for the purposes of *The Juvenile Delinquents Act* (Canada), and shall have all the powers vested in a juvenile court under that Act, and shall also have power to try any child charged with an offence against the laws of Ontario, and to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court. 1916, c. 54, s. 4. *Amended.*

Jurisdiction
as to
offences.

OFFICERS.

5. There shall be a clerk of each juvenile court and, subject to the provisions of section 15, such probation and other officers and staff as the judge of such court shall deem necessary who shall be appointed and be removable by the Attorney-General. 1916, c. 54, ss. 5 (1), 6. *Amended.*

Officers.—
appointment and
removal.

6. It shall be the duty of the clerk of a juvenile court to see that all cases to be heard before the court are properly prepared, to have before the court all papers and documents in such cases, to arrange for the sittings of the court, and to preserve order during such sittings. 1916, c. 54, s. 7. *Amended.*

Duties of
Clerk.

7. The clerk shall keep proper records, the form of which shall be approved by the Attorney-General, containing full particulars of the cases dealt with by the court, including the disposition or order made in each case, the parentage, nationality and religion of each delinquent or neglected child, and such other information as may be required. 1916, c. 54, s. 8.

Records.

PROBATION OFFICERS.

8. Every agent of a children's aid society shall *ex officio* be a probation officer of the juvenile court of the city or county in which such society is situated. 1916, c. 54, s. 10.

Agent of
children's
aid society
to be
ex officio
probation
officer.

9. The Attorney-General may appoint any person willing to perform the services of a probation officer without remuneration, to be a voluntary probation officer, and may at any time revoke such appointment. 1916, c. 54, s. 11. *Amended.*

Appointment
without
remunera-
tion.

Powers of
probation
officer.

10. Every probation officer duly appointed as hereinbefore provided, while acting in the discharge of his duties as such probation officer, shall have all the powers of a peace officer. 1916, c. 54, s. 13.

To have
powers of
truant officer
under 1919,
c. 77.

11. Every probation officer shall have all the powers of a truant officer under the provisions of *The School Attendance Act*. 1916, c. 54, s. 14. *Amended.*

Control of
officers.

12. Subject to the regulations all officers of the court shall be under the control and subject to the orders and directions of the judge. 1916, c. 54, s. 5 (2). *Amended.*

JUVENILE COURT COMMITTEE.

Committee.

13. There shall be in connection with every juvenile court a committee of citizens, serving without remuneration, to be known as "the juvenile court committee," which committee shall be constituted as provided by section 23 of *The Juvenile Delinquents Act* (Canada). 1916, c. 54, s. 15.

DETENTION HOMES.

Temporary
homes, etc.

14.—(1) Every temporary home or shelter provided for children under *The Children's Protection Act*, and every orphans' asylum or children's home the trustees of which have given their consent thereto, shall be a detention home within the meaning of *The Juvenile Delinquents Act* (Canada). 1916, c. 54, s. 16 (1). *Amended.*

Declaring
place a
detention
home.

(2) Subject to the provisions of *The Juvenile Delinquents Act* (Canada), the Attorney-General may declare any place house, home or institution a detention home within the meaning of that Act.

Govern-
ment of
detention
homes.

(3) The Attorney-General may make regulations for the government and management of detention homes in so far as they are used for that purpose.

Liability
for main-
taining in
detention
home.

(4) The corporation of the city, separated town, or county within which the offence with which the child is charged was committed shall be liable for all expenses of maintaining such child in any detention home.

Duty of
corporation.

(5) The corporation of any city, town or county in which a juvenile court is established and in which there is no detention home, or in which there is no detention home of sufficient capacity, shall provide a detention home satisfactory to the Attorney-General. 1916, c. 54, s. 16 (2-5).

COURT ROOM, OFFICES AND EXPENSES OF COURT.

15.—(1) The corporation of any city, town or county in which a juvenile court is established shall provide a suitable court room and offices for the judge, clerk, probation officers and other officers of the court and shall make proper provision for the salaries of the judge, clerk, probation officers and other officers of the court and for the general expenses of the court. 1916, c. 54, s. 17 (1).

(2) The Lieutenant-Governor in Council may fix the salary to be paid to the judge and the amount to be appropriated for other salaries and for the expenses of the court, and such salaries and expenses shall be paid by the city, town or county at the time and in the manner set forth in such order in council; provided that where fixed by the Lieutenant-Governor in Council the total amount so directed to be paid for the expenses of the court, including salaries, but exclusive of the cost of providing court room and offices and detention home, shall fall within the following limits,—

Where the district covered by the court has,—

Limit of
expenses
of court.

(a) a population of more than 200,000, not more than \$30,000;

(b) a population of more than 75,000 but less than 200,000, not more than \$10,000;

(c) a population of more than 25,000 but less than 75,000, not more than \$6,000;

(d) a population less than 25,000, not more than \$3,500.

1916, c. 54, s. 17 (2); 1919, c. 25, s. 35.

16. The Superintendent of Neglected and Dependent Children shall have charge of the administration of this Act, subject to the directions of the Attorney-General. 1916, c. 54, s. 18.

17. The Lieutenant-Governor in Council may prescribe such forms and make such rules and regulations as may be deemed necessary for the full and proper carrying out of this Act. 1916, c. 54, s. 19.

18. *The Juvenile Courts Act, 1916*, being chapter 54 of the statutes of 1916, except subsection 2 of section 3; and section 35 of *The Statute Law Amendment Act, 1919*, being chapter 25 of the statutes of 1919, are hereby repealed.

19. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement
of
Act.

CHAPTER 34.

An Act to amend The Arbitration Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Arbitration Act, 1927*

Rev. Stat.,
c. 65, s. 17,
repealed.

2. Section 17 of *The Arbitration Act* is repealed and the following substituted therefor:

Where sub-
mission
provides for
appeal.

17.—(1) Where it is agreed by the terms of the submission that there may be an appeal from the award an appeal shall lie to a judge of the Supreme Court and to a divisional court.

Procedure
by party
taking up
award.

(2) Where by the agreement of the parties or by the provisions of any statute there is an appeal from an award the party taking up the award shall file the same with the registrar of the Supreme Court and shall serve a copy of the award and a notice of the filing thereof upon the opposite party.

Notice of
appeal.

(3) Notice of appeal may be served within fourteen days returnable within thirty days after service of the copy of the award and notice of filing.

Taking
evidence in
writing.

(4) In all cases in which there is a right of appeal the evidence of the witnesses must be taken down in longhand and be signed by the witnesses, or be taken in shorthand.

Evidence to
be trans-
cribed only
on appeal.

(5) It shall not be necessary that evidence taken in shorthand be transcribed unless an appeal is taken.

Exhibits—
transmission
to registrar.

(6) Upon the request of the party appealing the exhibits shall be transmitted by the arbitrator to the office of the registrar for the purpose of the appeal.

Oath of
stenog-
rapher.

(7) A stenographer employed to take evidence in shorthand shall be sworn to faithfully take down and transcribe the evidence and shall certify to the accuracy of all copies supplied.

Statement
of pro-
ceeding on
new or
special
knowledge.

(8) Where the arbitrators proceed wholly or partly on a view or any knowledge or skill possessed by them-

selves

selves or any of them they shall also put in writing a statement thereof sufficiently full to enable a judgment to be formed of the weight which should be attached thereto.

- (9) The court may require explanations or reasons from the arbitrator and may remit the matter or any part thereof to him for further consideration. Requiring further report from arbitrator.
- (10) The court may extend the time limited by this section either before or after its expiry or may dispense with compliance with the requirements of this section. Powers of court as to extension of time.

3. Sections 19 and 20 of *The Arbitration Act* are repealed. Rev. Stat., c. 65, ss. 19 and 20, repealed.

4. Section 21 of *The Arbitration Act* is repealed and the following substituted therefor: Rev. Stat., c. 65, s. 21, repealed.

21. The parties to a submission may agree, by writing signed by them or by making such agreement a part of the submission, to pay to the arbitrator or to the arbitrators, if more than one, such fees for each day's attendance, or such gross sum for taking upon themselves the burden of the reference, and making the award, as the parties see fit, and no arbitrator shall take or receive from either party to any submission any greater fee than that agreed upon, or in default of agreement than that provided by schedule B to this Act. The receipt of any greater fee may be regarded as misconduct justifying the setting aside of the award. Agreement as to fees to be paid to arbitrators.

5. Section 25 of *The Arbitration Act* is repealed and the following substituted therefor: Rev. Stat., c. 65, s. 25, repealed.

25.—(1) The taxing officer shall in no case, except as provided in section 18, tax higher fees than are mentioned in schedule B to the arbitrators but, upon reasonable grounds, he may reduce the maximum mentioned in the schedule, but not below the minimum, having always regard to the length of the arbitration, the value of the matter in dispute, and the difficulty of the questions to be decided; the fee to be allowed to solicitors and counsel shall be as nearly as may be similar to the fee allowed upon a reference in the Supreme Court or the county court, the scale to be determined by the taxing officer having regard to the value of the matter in dispute, but he shall not tax more than one counsel fee to either party. Discretion of taxing officer.

Costs of award.

- (2) The taxing officer may tax a reasonable sum for preparing the award.

Revision of taxation.

- (3) An appeal may be had from such taxation in the same manner as from a taxing officer's certificate of taxation in an action.

Power to reduce fees.

- (4) The taxing officer and the judge upon appeal from taxation shall have the power to reduce fees payable to the arbitrator and to counsel and solicitors where the arbitration has been unduly prolonged.

Rev. Stat., c. 65, s. 29, repealed. **6.** Section 29 of *The Arbitration Act* is repealed and the following substituted therefor:

Case stated for opinion of court.

29. An arbitrator or an umpire may at any stage of the proceedings and shall, if so directed by the court, state in the form of a special case for the opinion of the court any question of law arising in the course of the reference and an arbitrator or umpire appointed under the authority of a statute or by a court or judge shall, when so directed by the court, state the reasons for his decision and his findings of fact and of law.

Rev. Stat., c. 65, s. 35, repealed.

7. Section 35 of *The Arbitration Act* is repealed.

Rev. Stat., c. 65, s. 36, subs. 2, amended.

8. Subsection 2 of section 36 of *The Arbitration Act* is amended by inserting after the word "power" in the third line the words "without the consent of the parties."

Rev. Stat., c. 65, schedule A, amended.

9. Schedule A of *The Arbitration Act* is amended by striking out of clause 1 the words "and may award costs to be paid as between solicitor and client."

Rev. Stat., c. 65, schedule B, repealed.

10. Schedule B to *The Arbitration Act* is repealed, and Schedule C then becomes Schedule B.

CHAPTER 35.

An Act to amend The Devolution of Estates Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Devolution of Estates Act*, Short title.
1927.

2. Section 21 of *The Devolution of Estates Act* is amended Rev. Stat.
c. 119, s. 21,
amended. by adding thereto the following subsection:

(8) The powers of a personal representative under subsections 2, 3 or 5 have heretofore been and shall hereafter be exercisable during the period of three years from the death of the deceased without an order of the Supreme Court or a judge thereof, provided, however, that,—

(a) real property conveyed by virtue of any of such powers shall be deemed to have been and to be liable for the payment of the debts of the deceased owner as if no conveyance had been made, and upon the expiry of such period, such liability shall continue if some action or legal proceeding has been instituted by the creditor, his assignee or successor, to enforce the claim and a *lis pendens* or a caution has, before such expiry, been registered against the property, and that,

(b) although such liability has applied and shall apply in respect of real property so conveyed to a purchaser in good faith and for value, he shall be deemed to have had and to have a right to relief over against the person beneficially entitled, and where the conveyance was made by the personal representative with knowledge of the debt in respect of which claim is made, or without due advertisement, then against such personal representative, and that,

(c)

Where no
lis pendens
or caution.

(c) upon the expiration of such three-year period where no *lis pendens* has been registered, the provisions of subsection 2 of section 24 and of section 26 shall apply.

Commencement of
Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 36.

The Public Trustee Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Public Trustee Act 1927*. Short title.
2. There shall be a Public Trustee who shall be a corporation sole under that name with perpetual succession and an official seal, who may sue and be sued under his corporate name. Establishment of Public Trustee. 1919, c. 32, s. 6, *part.*
3. The Lieutenant-Governor in Council may appoint a member of the Bar of Ontario of not less than five years' standing, to be the Public Trustee, and may appoint such persons as officers, clerks and servants in the office of the Public Trustee, as may be necessary for the purposes of this Act. Qualification. 1919, c. 32, s. 7 (2).
4. In the event of the office becoming vacant, or if the Public Trustee is absent or ill, the Attorney-General shall be *ex officio* Public Trustee until another appointment is made, or until an acting trustee is appointed by Order-in-Council. Vacancy in office.
5. The salaries or other remuneration of the Public Trustee and of the officers, clerks and servants in his office shall be fixed by the Lieutenant-Governor in Council and may be payable out of such moneys as may be appropriated by the Legislature for that purpose, or out of any fund established under this Act, as the Lieutenant-Governor may from time to time direct. Salaries. 1919, c. 32, s. 7 (3).
6. The Public Trustee shall discharge the duties imposed upon him by *The Crown Administration of Estates Act*, *The Charities Accounting Act* and any other Act of the Legislature of this Province, or by any order of the Lieutenant-Governor in Council, and it shall also be his duty to make enquiries from time to time as to property which has escheated, or become forfeited for any cause to the Crown, or in which

the

the Crown, as represented by the Province of Ontario, may be interested, and all persons shall furnish to the Public Trustee such information as he may require, and in default of so doing shall be liable to a penalty not exceeding \$100. 1919, c. 32, s. 8, *part*.

Powers in
conducting
inquiry.

7. For the purposes of any inquiry under section 6 the Public Trustee shall have all the powers which may be conferred upon a commissioner under *The Public Enquiries Act*. 1919, c. 32, s. 9.

Acceptance
and execu-
tion of
trusts.

8.—(1) The Public Trustee, with his consent in writing, may be appointed trustee of any will or settlement or other instrument creating a trust or duty, in the same manner as if he were a private trustee. 1919, c. 32, s. 10 (1), *part*.

May be
appointed
sole trustee.

(2) The Public Trustee may be appointed sole trustee, although the trust instrument contemplates two or more trustees, and any person who is a trustee with the Public Trustee may at any time retire from the trust upon passing his accounts and paying over the balance.

Fees and
charges.

9.—(1) Subject to the regulations, the Public Trustee shall make a charge for his services against every estate which shall come to his hand to be dealt with.

To be
allowed
same fees
as private
trustee.

(2) All fees, charges, and expenses which would be allowed to a private trustee shall be allowed to the Public Trustee and shall be collected and accounted for in such manner as may be prescribed by the regulations.

Fees,
charges, etc.,
to be paid
into separate
account.

10.—(1) The fees, charges, and remuneration and refunds of all expenses paid out of the fund and all income of the office of every description shall be paid by the Public Trustee into a separate account approved by the Lieutenant-Governor in Council and as prescribed by the regulations.

Payments
out of
fund.

(2) There shall be paid out of such fund the salaries or other remuneration, and the expenses of the Public Trustee and the officers, clerks and servants in his office. 1919, c. 32, s. 14 (2), *part*.

Establish-
ment of
assurance
fund.

(3) From any surplus in such fund there may be established an assurance fund as may be provided by the regulations.

Moneys
received
under
Rev. Stat.,
. 73.

(4) Notwithstanding anything contained in *The Crown Administration of Estates Act*, the Lieutenant-Governor in Council may direct that moneys coming to the hand of the Public Trustee under that Act or any part of the same, shall be placed to the credit of the special fund and applied to the purposes of subsection 2. 1919, c. 32, s. 14 (3).

(5) The Lieutenant-Governor in Council may from time to time direct the payment into the Consolidated Revenue Fund of any balance at the credit of the said fund. 1919, c. 32, s. 14 (4).

(6) Payments into and out of the said fund shall be made in such manner and subject to such condition as may be prescribed in the regulations. 1919, c. 32, s. 14 (5).

11. All sums required to discharge any liability for a loss which the Public Trustee, if he were a private trustee, would be personally liable to discharge, shall be made good out of the fund mentioned in the preceding paragraph or the assurance fund or out of the Consolidated Revenue Fund, but neither the Public Trustee nor any of his officers nor the said fund shall be liable for any loss which would not have imposed liability upon a private trustee. 1919, c. 32, s. 15, *part*.

12. The Public Trustee may accept and administer any charitable or public trust. 1919, c. 32, s. 16.

13. The Lieutenant-Governor in Council may make regulations,—

- (a) respecting the office of Public Trustee, and prescribing the trusts or duties he is authorized to accept or undertake under the provisions of this Act, and the security, if any, to be given by the Public Trustee and his officers;
- (b) for fixing the fees and charges in the office of the Public Trustee and the application and disposal of the same;
- (c) respecting the transfer to and from the Public Trustee of any property;
- (d) respecting the accounts to be kept and the auditing thereof;
- (e) for the establishment of an assurance fund for the purpose of meeting any losses for which the office of Public Trustee may be liable;
- (f) fixing the rate of interest to be allowed upon money in the hands of the Public Trustee and fixing the amount of interest to be charged upon advances made on behalf of any estate and concerning the investment of money held by him and the custody and control of security held by him for such investments;

(g)

- (g) for constituting a committee or board for the supervision of the investments or other dealings with property by the Public Trustee, and for providing for the remuneration by fees, or otherwise, of the members of such committee;
- (h) generally for the better carrying out of the provisions of this Act. 1919, c. 32, s. 17, *part.*

Committee
to be
visitors of
office of
Public
Trustee.

14.—(1) The committee or board constituted for the supervision of investments or other dealings with property by the Public Trustee under the clause lettered *g* in section 13 shall be visitors of the office of the Public Trustee.

Visitors
may make
suggestions.

(2) The visitors may make such suggestions and recommendations with regard to the management and conduct of the office of Public Trustee as they may deem advisable, with regard to the general policy of the office.

Consulta-
tions as to
method of
administra-
tion.

(3) The Public Trustee may consult with the visitors from time to time as to methods of administration, staff and other matters relating to the office.

Annual
report of
visitors.

(4) The visitors shall make an annual report to the Lieutenant-Governor in Council respecting the performance of their duties and the exercise of their powers under this section. 1921, c. 47, s. 3.

(NOTE.—*As to the duties of the Public Trustee with respect to the estates of patients in asylums, see Hospitals for the Insane Act.*)

CHAPTER 37.

An Act to amend The Vendors and Purchasers Act,
1926.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Vendors and Purchasers* Short title.
Act, 1927.

2. Clause *e* of section 5 of *The Vendors and Purchasers* Rev. Stat.
c. 122, s. 5
(1926, c. 41.
s. 2).
Act, 1926, is amended by striking out all the words after the amended.
word "and" in the fourth line and inserting in lieu thereof the following words: "the vendor shall bear the expense of the registration of the mortgage if any."

CHAPTER 38.

An Act to amend The Registry Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Registry Act, 1927.*

Rev. Stat.
c. 124, s. 5
subs. 1,
repealed.

2. Subsection 1 of section 5 of *The Registry Act* is repealed and the following substituted therefor,—

Change of
boundaries
of ridings
not to affect
registry
divisions.

(1) Subject to the provisions of this Act and except where otherwise expressly provided in any general or special Act, the registry divisions as they existed on the 14th day of April, 1925, shall be the registry divisions of the Province of Ontario for the purposes of this Act and no alterations in the boundaries of any riding, electoral district or municipality shall alter or affect the boundaries of any registry division.

Rev. Stat.
c. 124, s. 8,
subs. 4,
amended.

3. Subsection 4 of section 8 of *The Registry Act* is amended by striking out the word "may" at the end of the second line and inserting in lieu thereof the words "shall when so required by the Inspector."

Rev. Stat.
c. 124, s. 18,
subs. 2,
amended.

4. Subsection 2 of section 18 of *The Registry Act* is amended by striking out the words "the East Division of" in the first line, and the words "the West Division of the City of Toronto" in the second line.

Rev. Stat.
c. 124, s. 19,
subs. 2,
amended.

5. The certificate set out in subsection 2 of section 19 of *The Registry Act* is amended by inserting after the words "General Register" in the fifth line of the said certificate the words "or bankruptcy books."

Rev. Stat.
c. 124, s. 23,
subs. 4,
repealed.

6.—(1) Subsection 4 of section 23 of *The Registry Act* is repealed and the following substituted therefor:

General
registry
book.

(4) Every registrar shall keep a general registry book herein called the "General Register" for the whole

of the registry division, which shall be used for the purposes hereinafter set forth and every registrar shall keep an alphabetical index of the names of all the parties mentioned by name in every instrument but in the case of wills, probates and letters of administration with the will annexed it shall be sufficient to enter only the name of the testator and executors.

(2) Subsection 5 of the said section 23 is amended by striking out the words "except in the case of the Registrar of West Toronto" in the first line. Rev. Stat. c. 124, s. 23.
subs. 5, amended.

(3) Subsection 7 of the said section 23 is amended by inserting after the word "therein" in the fourth line the words "and in other cases where in his opinion public convenience so requires." Rev. Stat. c. 124, s. 23.
subs. 7, amended.

(4) The clause lettered *a* in subsection 8 of the said section 23 as enacted by section 13 of *The Statute Law Amendment Act, 1915*, is amended by striking out the words "in the general register" at the end of the said clause and substituting therefor the word "therein." Rev. Stat. c. 124, s. 23.
subs. 8, c. a.
(1915, c. 20, s. 13).
amended.

7. Subsection 5 of section 48 of *The Registry Act* is amended by inserting after the word "fees" in the fourth line the words "as set out in section 92." Rev. Stat. c. 124, s. 48.
subs. 5, amended.

8. Section 58 of *The Registry Act* is amended by adding thereto the following subsection: Rev. Stat. c. 124, s. 58.
amended.

(6a) From and after the 1st day of July, 1927, no final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in a mortgage which has been registered "not in full" shall be registered until the said mortgage and any assignment thereof has been duly copied in full in the proper registry book pursuant to subsection 5 of section 48. No fore-closure or sale under power until registered.

9. Section 67 of *The Registry Act* is amended by striking out the words "by the mortgagee, his executors, administrators or assigns" in the third and fourth lines. Rev. Stat. c. 124, s. 67.
amended.

10. Subsection 4 of section 70 of *The Registry Act* is amended by striking out all the words therein after the word "certified" in the third line and substituting therefor the words "as required by *The Consolidated Municipal Act, 1922*." Rev. Stat. c. 124, s. 70.
subs. 4, amended.

11. Subsection 14 of section 81 of *The Registry Act* as enacted by section 1 of the Act passed in the year 1917, chaptered Rev. Stat. c. 124, s. 81.
subs. 14
(1917, c. 30, s. 1).
amended.

chaptered 30, is amended by inserting after the word "councils" in the fourth line the words "or by the Ontario Railway and Municipal Board."

Rev. Stat.
c. 124, s. 88,
subs. 1,
repealed.

12. Subsection 1 of section 88 of *The Registry Act* is repealed and the following substituted therefor:

Registration
of plans of
cities,
towns, etc.

(1) Where a city, town, village or territory forming part of a township comprises different parcels of land and the same were not jointly surveyed and one entire plan of such survey made and registered, the municipal council of such city, town, village or township, upon the written request of the Inspector, shall immediately cause a plan of such city, town, village or part of a township to be made in accordance with this Act and to be registered in the registry office of the registry division within which the municipality lies.

Rev. Stat.
c. 124, s. 92,
cl. k.,
repealed.

13.—(1) The clause lettered *k* in section 92 of *The Registry Act* is repealed and the following substituted therefor:

Fees for
searches in
connection
with regis-
tering a plan

(*k*) For searches as to the names of registered owners and as to the mortgagees under subsection 16 of section 81 in connection with the registration of a plan, the sum of \$1, but if the search embraces more than twenty lots a fee of five cents for each lot in excess of twenty up to one hundred lots, and a fee of two cents for each lot in excess of one hundred.

Rev. Stat.
c. 124, s. 92,
cl. u.,
amended.

(2) The clause lettered *u* in the said section 92 is amended by striking out the words "an affidavit" in the first line and inserting in lieu thereof the words "a declaration."

Rev. Stat.
c. 124, s. 99,
subs. 3,
repealed.

14. Subsection 3 of section 99 of *The Registry Act* is repealed.

Rev. Stat.
c. 124, s. 116
amended.

15. Section 116 of *The Registry Act* is amended by inserting after the word "instrument" in the seventh line, the words "and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority."

Repeal.

16. The following Acts and parts of Acts are repealed,—

R.S.O. Chapter 124—Section 7; subsection 4 of section 16; clause *o* in subsection 2 of section 99; section 117, and Schedule "A."

1918, Chapter 27—Sections 21 to 24.

1919, Chapter 33—Sections 3 and 4.

1921, Chapter 49—The whole.

1922, Chapter 2—Section 9.

1925, Chapter 39—Section 3.

17. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

CHAPTER 39.

An Act to amend The Land Titles Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title

1. This Act may be cited as *The Land Titles Act, 1927.*

Rev. Stat.,
c. 126, s. 31,
amended.

2. Section 31 of *The Land Titles Act* is amended by adding thereto the following subsection:

When
chargee may
distain for
arrears of
interest.

(3) Where in a charge made in pursuance of *The Short Forms of Mortgages Act* there is inserted the provision that the mortgagee may distrain for arrears of interest such provision shall confer upon the chargee the same right of distress as would be conferred upon a mortgagee of land not under the provisions of this Act.

Rev. Stat.,
c. 126, s. 55a,
subs. 3
(1923, c. 28,
s. 2),
amended.

3. Subsection 3 of section 55a of *The Land Titles Act* as enacted by section 2 of *The Land Titles Amendment Act, 1923.* is amended by striking out the words "and such fees shall be payable in law stamps to be affixed to such list and cancelled on the delivery thereof" at the end of the said subsection.

Rev. Stat.,
c. 126, s. 59,
amended.

4. Section 59 of *The Land Titles Act* is amended by inserting after the word "owner" in the second line the words "or to whom a patent is issued as executor or administrator or in any representative capacity."

Rev. Stat.,
c. 126, s. 66,
subs. 1
(1914,
c. 24, s. 2),
amended.

5.—(1) Subsection 1 of section 66 of *The Land Titles Act* as re-enacted by section 2 of the Act passed in the year 1914, chaptered 24, is amended by striking out the words "in the prescribed form" in the sixth line, by striking out the word "mailed" in the ninth line and inserting in lieu thereof the words "sent by registered mail" and by inserting after the word "personally" in the twelfth line the words "or substitutionally by advertisement or otherwise as the Master may direct."

(2) Subsection 2 of the said section 66 as so re-enacted Rev. Stat.,
is amended by striking out the words "subject to section 140" c. 126, s. 66,
in the tenth line and by adding at the end of the said sub- (1914,
section the words "by the Master or on appeal from him." c. 24, s. 2),
amended.

6. Section 72 of *The Land Titles Act* is amended by adding Rev. Stat.,
thereto the following subsection: c. 126, s. 72,
amended.

(5) Every caution founded upon any option shall be Renewal of
renewed before the expiration of five years from caution
the date of lodging the same, otherwise it shall founded on
cease to have effect, and every such caution lodged an option.
five years before the 1st day of July, 1927, shall,
unless renewed, cease to have effect on and after
the 1st day of July, 1928.

7. Section 77 of *The Land Titles Act* is amended by adding Rev. Stat.,
thereto the following subsections: c. 126, s. 77,
amended.

(2) When registering the agreement the purchaser shall Address for
by memorandum endorsed thereon or annexed service.
thereto give his address for service.

(3) The registration of any such agreement may be Discharge by
vacated upon the consent in writing of the purchaser consent.
verified by affidavit of execution.

(4) The registration of any such agreement may also be Discharge by
vacated if the purchaser fails, for the period of one master.
month from the date of the mailing of the notice
provided for in the following subsection, to satisfy
the master that he still has rights under such agree-
ment.

(5) Upon proof to his satisfaction that the rights of the Notice.
purchaser are at an end the master shall send a
notice by registered mail addressed to the purchaser
at his address for service, warning him that his
agreement will cease to have effect after the expira-
tion of one month from the mailing of such notice
unless good cause for its continuance is shown.

8. Section 103 of *The Land Titles Act* is amended by adding Rev. Stat.,
at the end thereof the following words: "and her husband c. 126, s. 103,
need not be a party thereto and she may bar her dower in
any land sold by her husband or mortgaged by him to a
purchaser or mortgagee for value although she is under the
age of twenty-one years."

9. This Act shall come into force on the day upon which Commence-
it receives the Royal Assent. ment of Act.

CHAPTER 40.

The Lakes and Rivers Improvement Act, 1927.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

INTERPRETATION.

Interpreta-
tion.**1.** In this Act,—

- "Dam." (a) "Dam" shall mean a dam or other work forwarding, holding back or diverting water;
- "Floating of timber." (b) "Floating of timber" shall include transmission of timber;
- "Lake." (c) "Lake" shall include pond;
- "Minister." (d) "Minister" shall mean Minister of Lands and Forests;
- "Regulations." (e) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act;
- "River." (f) "River" shall include creek and stream;
- "Timber." (g) "Timber" shall include rafts and crafts, saw logs, posts, ties, cordwood, pulpwood, masts, staves, deals, boards, and all sawed and manufactured lumber.

GENERAL PROVISIONS.

Regulations. **2.—(1)** The Lieutenant-Governor in Council may make such regulations as he may deem necessary,—

- (a) for the safe and orderly floating of timber down lakes or rivers, and for preventing the use of the lake or river for the purpose of navigation by vessels and boats

boats being unnecessarily impeded or interfered with by the timber; R.S.O. 1914, c. 130, s. 28.

- (b) as to the construction, description and dimensions of the aprons or slides which are to be provided for or in connection with dams by the owners and occupiers of them; R.S.O. 1914, c. 135, s. 17 (1), *first part*.
- (c) generally respecting the use under the provisions of this Act of lakes and rivers and waters therein; (*New*).
- (d) prescribing penalties for contravention of such regulations. R.S.O. 1914, c. 130, s. 29 (a).

(2) The regulations may be general in their application, or ^{Scope of} _{regulations.} be applicable to any particular Part of this Act or to any particular lake or river or to any particular dam or work. R.S.O. 1914, c. 130, s. 29 (b). *Amended.*

(3) All such regulations shall be laid before the Assembly ^{Laying} _{before} ^{regulations} _{Assembly.} forthwith if the Assembly is then in session, and if the Assembly is not in session within the first fifteen days after the opening of the next session thereafter. R.S.O. 1914, c. 130, s. 31.

3. Every person making use of a lake or river upon which ^{Compliance} _{with Part} works are constructed under this Act or any other Act for the VI. purpose of floating timber shall comply with the requirements of Part VI as to timber driving. 1922, c. 55, s. 8, *part*.

4. Wherever in this Act any claim for compensation for land, property or works taken or injuriously affected or a claim or dispute is to be determined by arbitration a judge for determining claims. of the county or district court of the county or district in which the land, property or works are situate or in which the claim or dispute arises or, in the case of a claim under Part VI, in which the timber in connection with which the claim or part of the claim is made or the greater part of such timber is situate at the time of the service of the notice of claim, shall be the sole arbitrator for such purpose and the provisions of *The Arbitration Act* shall otherwise apply. *New.*

5. Where land is overflowed or otherwise injured by the maintenance of a dam which was erected before the land was granted by the Crown, and the grantee or any person under whom he derived title obtained a reduction in the price of the land on account of, or was otherwise indemnified for, its being overflowed or otherwise injured by the dam no subsequent owner of the land shall be entitled to maintain an action

against

against the owner or occupier of the dam for damages for any overflowing or injury to the land due to the continuance of the dam. R.S.O. 1914, c. 130, s. 26.

Restrictions upon operations.

6. Nothing in this Act shall authorize any person to obstruct any waters already navigable or to collect tolls other than those upon timber. R.S.O. 1914, c. 181, s. 28.

Rights of parties as to water powers created.

7. If, by reason of a dam erected for the floating of timber, any water power is created the owner of the dam shall not have any title or claim to the use of such water power; but, if the owner or occupier of the adjoining land claims compensation for damages arising from such dam the claim shall be determined by arbitration and the arbitrator may take into account the increased value of his land by reason of the water power so created. R.S.O. 1914, c. 181, s. 29. *Amended.*

PART I.

CONSTRUCTION, REPAIR AND USER OF DAMS.

"Owner," meaning of.

8. In this Part "owner" shall mean the owner of a dam and the person constructing, maintaining and operating it. 1922, c. 55, s. 8 *part.*

Approval of plans of dams by Lieutenant-Governor in Council.

9.—(1) A dam shall not be constructed in any lake or river unless and until the site and the plans and mode of construction thereof have been approved by the Lieutenant-Governor in Council in the manner hereinafter provided.

Application for approval.

(2) Application for such approval shall be made in writing to the Minister and shall be accompanied by,—

(a) complete copies of the plans and a report of the engineer in charge of the work showing full details of the construction of sluice-gates, spillways and other works connected with the dam and the height at which the water is to be held;

(b) a map of the watershed affected which shall show the area of the watershed above the dam with the estimated elevation of high water caused by the spring, summer and autumn freshets, where the water level is raised by the dam, and the submerged areas at low, normal and high water periods, in different colours;

(c) particulars as to the nature of the bottom or foundation on which the dam is to be constructed with reports of all boring or test pits;

(d)

(d) such other particulars as the Minister shall require.

Provided that where it is proposed to construct a temporary ^{Proviso.} dam for lumbering or other purposes, the owner may apply to the Minister for permission to construct and maintain the same, giving such information relative to the dam as the Minister may require, and the Minister may thereupon in his discretion grant such permission if it is considered by him to be safe and advisable in the public interest so to do, and provided further that nothing herein contained shall prevent or apply to the construction of an emergency dam where such construction may be considered necessary for the prevention of loss or damage, but the owner in such case shall immediately give notice to the Minister that he is proceeding with the construction of the dam and shall thereafter comply with any direction of the Minister as to the precautions to be taken in maintaining the dam or its removal when the purpose for which it was constructed has been served.

(3) The approval of the Lieutenant-Governor in Council ^{Engineer to examine plans.} shall not be given until an engineer designated by him (hereafter referred to as "the engineer") shall have examined the plans, documents and other information and recommended the approval of the proposed dam.

(4) Upon the request of the Department of Game and Fisheries made either before or after the construction thereof every such dam hereafter constructed shall be provided with a fishway which will permit the free and unobstructed passage of fish up and down stream at any season of the year. 1922, c. 55, s. 8, part. *Amended.*

10. Where a dam has heretofore been or shall hereafter be constructed in any lake or river and it is proposed to make improvements to such dam such improvements shall not be proceeded with until complete copies of the plans and a report of the engineer in charge of the work showing full details as to the nature and mode of construction of such proposed improvements has been filed in the office of the Minister and such plans and mode of construction have been approved of by the Lieutenant-Governor in Council as provided in the next preceding section; provided that this section shall not apply to improvements in the nature of a work of ordinary maintenance and repair nor to improvements which in the opinion of the Minister are not of sufficient importance as to call for the approval of the Lieutenant-Governor in Council and in such case the Minister under his own hand may approve of the plans and mode of construction of the proposed improvements. 1922, c. 55, s. 7. *Amended.*

11.—(1) Where a dam has heretofore been or shall hereafter be constructed in any lake or river, and by the opening of ^{Plans of dams, &c., already constructed when to be submitted.} gates

gates or by the failure of the structure or otherwise water will be released in sufficient volume to cause personal injury or damage to property in its path, the Minister may of his own motion, or at the instance of any person claiming to be interested or affected, or alleging that life or property is or may be endangered, require the owner of such dam to furnish within a given time the plans and other particulars mentioned in subsection 2 of section 9.

Failure to furnish plans.

(2) Upon failure on the part of the owner to furnish such plans and other particulars within the time specified, the Minister may require the engineer to make an examination and report on such dam and the expenses incurred in making such examination and report shall be a debt due by the owner to the Crown, and the amount thereof as certified by the Minister shall be recoverable with costs in any court of competent jurisdiction at the suit of the Treasurer of Ontario.

Engineer to have free access.

(3) For the purpose of making such report, the engineer shall have free access to all parts of the dam and to the adjoining or neighbouring lands and to all plans, books, accounts, documents and reports relating to the construction of such dam.

Order to repair, improve, etc.

(4) On the report of the engineer, the Lieutenant-Governor in Council may make such order as he may deem necessary to ensure the safety of the public or of persons whose lands and property may be endangered by such dam, and for such purpose may order the owner to repair, improve, open up or remove it, and may fix the time within which such repairs, improvements, opening up or removal shall be completed.

Effect of non-compliance with order.

(5) Upon non-compliance with such order within the time limited or, in case the Minister deems that the repairs, improvements, opening up or removal ordered is immediately required in an emergency, the Minister shall have power to do whatever is necessary to comply with such order and the cost of any work done by or under the direction of the Minister as certified by him, shall be a debt due by the owner to the Crown and shall be recoverable with costs in any court of competent jurisdiction at the suit of the Treasurer of Ontario.

Direction for fishway to be provided.

(6) Where any dam heretofore constructed has not been provided with a fishway the Lieutenant-Governor in Council may at the request of the Department of Game and Fisheries, direct that the owner of such dam shall forthwith provide a fishway to permit the free and unobstructed passage of fish up and down stream at any season of the year. 1922, c. 55, s. 8, *part. Amended.*

12.—(1) Every person who,—

Penalty
for con-
travention
of Act.

- (a) constructs or maintains any dam in contravention of this Part; or
- (b) refuses or neglects to comply with any order of the Lieutenant-Governor in Council or any requirement or direction of the Minister made under this Part; or
- (c) hinders or obstructs the engineer in the performance of his duties under this Part, or refuses or neglects to produce any plans, accounts, documents or report relating to the construction of a dam when required by such engineer, shall incur a penalty not exceeding \$500, and if after conviction such default continues, such person shall be liable to a further penalty of \$10 for each day upon which such default continues.

(2) The conviction of any person under subsection 1 shall not affect the liability of such person for damages or otherwise either at common law or under any Statute in force in Ontario. Liability of person not restricted by conviction under subsection 1.
 1922, c. 55, s. 8, *part*.

13. All plans, orders and reports furnished or made under this Part shall be kept on file in the Department of Lands and Plans, etc., to be filed in Department of Forests. 1922, c. 55, s. 8, *part*.

14. Where it appears expedient in the public interest, or where any conflict or dispute arises between persons having a right to use a lake or river, or any works or other improvements thereon for floating timber or between such persons and any other persons having the right to use a lake or river for any other purpose, the Minister may appoint an officer or officers with such powers and duties as may be deemed expedient to be in charge of the lake or river or any works or improvements thereon and to regulate the use of the lake or river, or any works or improvements thereon in such manner as shall seem best calculated to afford to persons having diverse interests on the lake or river, or in the works or improvements a fair and reasonable use of the waters of the lake or river; provided that where any alterations of the level of international boundary waters is involved such regulation, powers and duties shall conform to any order or recommendation which the International Joint Commission may make under the terms and authority of the International Boundary Waters Treaty between Great Britain and the United States.
 1922, c. 55, s. 8, *part*.

15. Where a dam or other structure or work for the development, improvement or utilization of a water power on any river down which any timber is floated has been heretofore or shall hereafter be constructed the Minister with the Regulation of use of water by owners of power and persons floating timber.

proval of the Lieutenant-Governor in Council may make such order as he may deem expedient respecting the use of the river or of the waters of it, or of any water which is or is intended to be stored by means of any such dam, structure or work by the owners and occupiers of it, or of any work operated wholly or partly by the power so developed or improved and by persons using the river for the purpose of floating timber. R.S.O. 1914, c. 130, s. 27.

Removal of obstructions, dams, etc., on order of Minister.

16. Subject to compensation being made as provided by *The Public Works Act* for any damages sustained by reason thereof, the Minister may authorize any engineer, agent, workman, or servant, employed by or under him to enter into and upon any land and remove any rocks, stones, gravel, slab or timber jam, dam or part of any dam, rubbish of any kind or other obstruction in any lake or river, the removal of which he deems necessary or expedient in the public interests. R.S.O. 1914, c. 130, s. 8, *part*. *Amended.*

Case of works out of repair.

17.—(1) A judge of the county or district court of the county or district in which any part of any works used for floating timber is situate, on the complaint of any person interested in the floating of timber down any lake or river, through or over the works upon which tolls are collected, that the works are clearly inadequate by reason of being out of repair, shall appoint an inspector to examine the works and to report on the state of repair thereof.

Order to repair.

(2) The judge shall, after report of the inspector, order and direct what repairs are necessary and shall be made by the owner of the works, and the time by which the same shall be made and completed.

When person interested may repair.

(3) If the owner does not comply with such order the person so interested may make the repairs, and the cost thereof, or such portion of them as the judge determines, shall be paid by the owner and be a lien and charge in favour of such person on the works and tolls.

Deposit to cover fees.

(4) The judge may require the applicant to deposit with the clerk of the court such sum as will, in the opinion of such judge, be sufficient to pay the fees and expenses of the inspector, to be allowed by such judge at a rate not exceeding \$10 per day and actual travelling expenses, and such sum, when the works are found to be clearly inadequate by reason of being out of repair, may, in the discretion of the judge, be made a lien or charge in favour of the person paying the same on the works and tolls.

(5) The applicant shall, before the application comes on to be heard, file with the judge a bond signed by himself in the sum of \$100 and by two sufficient sureties, who shall duly qualify, each in the sum of \$50, conditioned to pay to the owner such costs connected with the application and subsequent proceedings as the owner may become entitled to. Bond to cover costs.

(6) Four days' notice of the application shall be sufficient, Notice, and the notice may be served upon the owner or in the case of a company upon the president, secretary or superintendent, manager or acting manager thereof.

(7) The costs incidental to the application shall be upon Costs in discretion of judge, etc. the county court or division court scale as the judge may direct.

(8) "Inspector" shall mean any person appointed by the Lieutenant-Governor in Council to act as inspector of works constructed for the floating of timber. R.S.O. 1914, c. 181, s. 46. *Amended.*

18. Where a dam is now or shall hereafter be erected on Dams to be provided with slides or aprons for the passage of timber. or across any lake or river down which timber is usually floated such dam shall at all times be provided with a slide or for the apron for the passage of timber of such description and dimensions as shall be prescribed by the regulations. R.S.O. 1914, c. 130, s. 18.

19. Every such apron shall be so constructed and maintained as to afford depth of water sufficient to admit of the passage over it of such timber as is usually floated down the lake or river on which the dam is erected. R.S.O. 1914, c. 130, s. 21 (1). *Amended.*

20.—(1) The owner and occupier of a dam who does not provide, maintain and keep in repair an apron thereto in accordance with the regulations, shall incur a penalty of \$20 for every day on which the default occurs or during which it continues. Penalty for not providing an apron.

(2) Where the apron is carried away, destroyed or damaged by flood or otherwise the owner or occupier of the dam shall not be liable to the penalty provided by subsection 1 if the apron is repaired or reconstructed as soon as the state of the lake or river safely permits. R.S.O. 1914, c. 130, s. 25. Where apron carried away penalty suspended.

PART II.

PROCLAMATION CONTROLLING NAMED LAKE OR RIVER.

Control by Proclamation. **21.** The Lieutenant-Governor in Council may, by proclamation, declare that any lake or river shall be subject to the provisions of this Part. 1922, c. 55, s. 4, *part*.

Jurisdiction of Minister. **22.**—(1) From and after a date named in the proclamation, all questions arising in relation to such lake or river,—

- (a) as to the right to construct or use works or improvements thereon;
- (b) as to the respective rights of persons using the lake or river for the purpose of floating timber thereon;
- (c) as to the right to interfere with, alter or obstruct in any manner the flow of the water in such lake or river

shall be determined by the Minister upon application to him by any of the parties concerned, and after such notice to other parties interested as the Minister may direct, and no action or other proceeding shall lie or be taken in any court with respect to any such matter.

Decision to be final. (2) The order of the Minister given in writing shall be final and shall not be subject to appeal.

Enforcement of order of Minister. (3) Any such order may be filed in the central office of the Supreme Court, or in the office of the local registrar, deputy registrar, or deputy clerk of the Crown, and upon being so filed it shall become an order of the Supreme Court and may be enforced in the same manner and by the like process as if it had been made by that Court.

Fees on filing order. (4) The like fees shall be payable as upon an order made by a judge of the Supreme Court in the exercise of his ordinary jurisdiction.

Entry on order. (5) The Order shall be entered in the same manner as a judgment of the court. 1922, c. 55, s. 5, *part*. *Amended.*

PART III.

PUBLIC RIGHTS IN LAKES AND RIVERS.

23. This Part shall be subject to the provisions of Parts I Application and II. *New.*

24.—(1) All persons shall have the right to and may, subject to the provisions of this Part, during the spring, summer and autumn freshets, float timber down all lakes and rivers. *Right to float timber.*

(2) No person shall, by felling trees or placing any other obstruction in or across any lake or river, prevent the floating of timber. *Duty not to obstruct.*

(3) If it is necessary to remove any obstruction from a lake or river, or to construct any dam, apron, slide, gate, lock, boom or other work therein or thereon in order to facilitate the floating of timber down the lake or river, the person requiring so to float the same may remove such obstruction, and may construct such dam, apron, slide, gate, lock, boom or other work, doing no unnecessary damage to the lake or river or to its banks. *Right to remove obstructions and to construct works.*

(4) All persons driving timber down a lake or river shall have the right to go along the banks of the lake or river for the purpose of assisting and to assist the floating of the timber, to go on banks. *Right of persons driving timber, etc., to go on banks.*

25. A person who has constructed in or upon a lake or river, which was not navigable or floatable before the same were constructed, any dam, apron, slide, gate, lock, boom or other work necessary to facilitate the floating of timber down such lake or river, or blasts rocks or removes shoals or other impediments from or otherwise improves the floatability of the lake or river, shall not have the exclusive right to the use of the lake or river or of the works or improvements, but all persons, subject to the payment of tolls fixed under Part V, shall have the right during the spring, summer and autumn freshets to float timber down such lake or river and through and over such works and improvements, doing no unnecessary damage. *Right of public to use works and improvements.* R.S.O. 1914, c. 130, s. 3, *part.*

26. All the rights conferred by this Part shall extend and apply to all works and improvements heretofore or hereafter patented or made, on any lake or river, whether the bed of the lake or river has been granted by the Crown or not. *Act to apply whether land not.* R.S.O. 1914, c. 130, s. 10. *Amended.*

Moving timber across lakes, etc.

27.—(1) Where upon the course of a river it enters or widens into a lake or other considerable body of water, every person using the river for the purpose of floating timber shall provide proper and adequate means by a steam tug or otherwise to move his timber across the lake or body of water with expedition.

Minister may order use of power.

(2) The Minister may by his order in writing, direct what kind of power or appliance shall be used in bringing timber across such lake or body of water from the place of entrance to the outlet.

Enforcement of order.

(3) An order made by the Minister under this section shall take effect upon its publication in the *Ontario Gazette*, and any person contravening or neglecting to obey the terms of the order shall be liable on summary conviction to a penalty not exceeding \$500. 1922, c. 55, s. 6.

OBSTRUCTIONS IN LAKES AND RIVERS.

Penalty for not lopping off branches of trees, etc.

28.—(1) Every person who cuts and fells, and the employer of every person who cuts and fells any tree into any lake or river, down which timber is usually floated, or upon such parts of the banks of it as are usually overflowed in the spring, summer or autumn freshets, without lopping off the branches of such tree and cutting up the trunk into lengths of not more than eighteen feet before the tree is allowed to be floated or cast into the lake or river shall for every such offence incur a penalty not exceeding \$10.

Exception.

(2) Subsection 1 shall not apply to timber prepared for transportation to market. R.S.O. 1914, c. 130, s. 5.

Prohibition against throwing refuse into lake or river, etc.

29.—(1) No person shall throw, and no owner or occupier of a mill shall suffer or permit to be thrown into any lake or river slabs, bark, stumps, roots, shrubs, waste wood, leached ashes, sawdust or other refuse from any saw mill and no person shall fell or cause to be felled into or across a river any tree and allow it to remain in or across such river.

Penalty.

(2) For every contravention of subsection 1 the person offending shall incur a penalty not exceeding \$20 and not less than twenty cents for each day during which the obstruction continues over and above all damages arising therefrom.

(NOTE: See R.S.C. c. 115, as to sawdust in rivers and streams).

When damages may be assessed.

(3) Where damage to private property is caused by a contravention of this section the damages may, at the request of the person aggrieved, be assessed by the convicting magistrate

and included in the conviction when such damages together with the penalty imposed do not exceed \$20.

(4) Where damages are so assessed the same shall be paid ^{And paid to person aggrieved.} to the person aggrieved.

(5) This section shall not apply to the River St. Lawrence ^{Exception.} or the River Ottawa.

(6) No such obstruction happening without the wilful ^{As to obstructions} default of the person by whom it is caused, or in the *bona fide* ^{not wilful.} exercise of his rights, shall subject him to the penalty unless he makes default in removing the obstruction after notice and reasonable time afforded for that purpose. R.S.O. 1914, c. 130, s. 6, *part*.

(7) This section shall not apply to a dam, weir or bridge ^{When section not erected in, across or over a lake or river, or to anything done to apply.} *bona fide* in or for erecting the same, or to any tree cut down or felled across a river for the purpose of being used as a bridge from one side of it to the other, if such dam, weir, bridge or tree does not impede the flow of water or the floating of timber. R.S.O. 1914, c. 130, s. 7.

DISCRETIONARY POWERS OF COURT.

30.—(1) Where in an action or other proceeding a person Refusal or claims, and but for this section would be entitled to, an injunc- ^{granting of} ^{tion against the owner or occupier of a sawmill for any injury} ^{injunction in terms, etc.} or damage, direct or consequential, sustained by such person, or for any interference directly or indirectly with any rights of such person as riparian proprietor or otherwise, by reason or in consequence of the throwing or depositing of any sawdust or other mill refuse from the sawmill or from it and other sawmills into any lake or river, the court or judge may refuse to grant an injunction if it is proved that having regard to all the circumstances, and taking into consideration the importance of the lumber trade to the locality in which the injury, damage or interference takes place, and the benefit and advantage, direct and consequential, which such trade confers on that locality and on the inhabitants of it, and weighing the same against the private injury, damage or interference complained of, it is on the whole proper and expedient not to grant the injunction, or the court or judge may,

(a) grant an injunction to take effect after such Japse of time or upon such terms and conditions or subject to such limitations or restrictions as may be deemed proper;

(b)

(b) in lieu of granting an injunction, direct the person against whom the injunction is claimed to take such measures or perform such acts to prevent, avoid, lessen or diminish the injury, damage or interference complained of as may be deemed proper.

Right to damages not affected. (2) Nothing in subsection 1 shall affect any right of the person claiming the injunction to damages against the owner or occupier of the saw mill for any such injury, damage or interference.

Assessment of subsequent damages. (3) Where damage from the same cause continues the person entitled to the damages may apply from time to time in the same action for the assessment of subsequent damages or for any other relief to which by subsequent events he may from time to time become entitled.

Application of section. (4) This section shall apply whether the injury, damage or interference is or is not a continuing one, and whether the person claiming the injunction is a plaintiff in the action or other proceeding, or is a defendant proceeding by way of counter-claim.

Exception. (5) This section shall not apply where, in the opinion of the court or judge, the injury, damage or interference complained of is of such a nature that it cannot be adequately compensated for by the awarding of damages. R.S.O. 1914, c. 130, s. 16. *Amended.*

PART IV.

TIMBER SLIDE COMPANIES.

"Works." **31.** In this Part "works" shall mean a dam, slide, pier, boom or other work constructed or proposed to be constructed in or upon a lake or river in order to facilitate the floating of timber down such lake or river and any improvements made or proposed to be made to the floatability of a lake or river by the blasting of rocks or dredging or the removal of shoals or other impediments or otherwise. R.S.O. 1914, c. 181, s. 3, *part. Amended.*

Powers to be granted to companies. **32.** A company may be incorporated under *The Companies Act* for the purpose of acquiring or constructing and maintaining and operating works upon any lake or river in Ontario, and every such company shall thereupon become subject to all the provisions of this Part. R.S.O. 1914, c. 181, s. 3.

33. The application for the letters patent shall give,—

Application
for letters
patent.

- (a) a detailed description of the works proposed to be undertaken and an estimate of their cost;
- (b) an estimate from the best available sources of the quantity of different kinds of timber expected to come down the lake or river yearly after the works have been completed. R.S.O. 1914, c. 181, s. 6.

34. The letters patent incorporating the company for any of the purposes mentioned in section 32 shall not be issued until proof has been furnished to the Minister,—

- (a) that the proposed capital is sufficient to carry out the objects for which the company is to be incorporated, that such capital has been subscribed or underwritten and that the applicants are likely to command public trust and confidence in the undertaking;
- (b) that notice of the application for the letters patent has been served upon all timber licensees and other persons known to be interested in the works proposed to be constructed; R.S.O. 1914, c. 181, s. 4.

nor until approval of the proposed work has been obtained under Part I, and the Minister has certified to the Provincial Secretary that, in his opinion, it is proper they should be issued. R.S.O. 1914, c. 181, s. 5.

35. The Lieutenant-Governor in Council may, in the letters patent, state a rate of dividend, not exceeding 12 per centum per annum, which the company shall be at liberty to pay to the shareholders, if the revenues of the company otherwise justify such payment. R.S.O. 1914, c. 181, s. 9, *part.***36.** The existence of the company may be limited to a term of years, not exceeding twenty-one, to be fixed by the letters patent. R.S.O. 1914, c. 181, s. 10.**37.** Upon the expiration of the period limited for the existence of the company all the works constructed by the company shall become the property of His Majesty for the public uses of Ontario, and shall be under the control of the Department of Lands and Forests, and the company, or the shareholders thereof, shall have no right to compensation therefor. R.S.O. 1914, c. 181, s. 17.**38.** Notwithstanding the expiration of the period limited for the existence of the company it shall continue to exist for the purpose of winding up. Company's existence to continue for the purpose of winding up.

the

the purpose of taking such proceedings as may be requisite for winding up and settling its affairs, and for getting in its assets, and distributing the same amongst its shareholders; and the company may, for those purposes, sue and be sued as if the period of its corporate existence had not expired; but after such period the words "in liquidation" shall be added to the name of the company and shall be a part of such name. R.S.O. 1914, c. 181, s. 18.

Distribution
of capital
and profits.

Rev. Stat.
c. 178.

39. No distribution of capital shall be made under the next preceding section until three years after the expiration of the period limited for the existence of the company, but this shall not prevent the distribution amongst the shareholders of the annual profits received from investments, and after such three years section 95 of *The Companies Act* shall not apply. R.S.O. 1914, c. 181, s. 19.

Yearly re-
port to the
Minister.

Contents.

40. The directors of the company incorporated shall annually, in the month of January, make to the Minister a report, verified by the oath of the treasurer of the company, specifying—

Cost of
work.

Money
expended.

(a) the cost of the works;

(b) the amount of all money expended;

Capital
stock.

(c) the amount of the capital stock; and the amount paid in;

Tolls ex-
pended on
work.

(d) the whole amount of tolls expended on the works;

Tolls re-
ceived.

(e) the amount received during the year from tolls and all other sources, stating each separately, and distinguishing the tolls on different kinds of timber;

Dividends
paid.

(f) the amount of dividends paid;

Expenditure
for repairs.

(g) the amount expended for repairs;

Indebted-
ness of
company.

(h) the amount of the debts due by the company, stating the objects for which they were respectively incurred;

Detailed
description
of extensions
or improve-
ments.

(i) a detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the following year, together with an estimate of the cost thereof. R.S.O. 1914, c. 181, s. 20.

Books of
account.

41. The company shall keep proper books of account containing full and true statements of the

(a)

- (a) financial transactions of the company;
- (b) assets of the company;
- (c) sums received and expended by the company and the matters in respect of which the receipt or expenditure took place; and
- (d) credits and liabilities of the company;

and such books shall be at all times open to the inspection and examination of any shareholder. R.S.O. 1914, c. 181, s. 21.

42.—(1) The company shall have the right to expropriate any land, right or easement requisite for the purpose of its Right's of expropria- undertaking, and the amount of compensation therefor shall be determined by arbitration. R.S.O. 1914, c. 181, s. 23, *part.*

(2) In ascertaining the amount of the compensation due regard shall be had to the benefits which will accrue to the person claiming compensation from the construction of the intended works. R.S.O. 1914, c. 181, s. 24.

43. No company shall construct its works over or upon or otherwise interfere with or injure any private property, or the property of His Majesty, without first having obtained the consent of the owner or occupier thereof, or of His Majesty, except as is in this Part provided. R.S.O. 1914, c. 181, s. 15.
Amended.

44.—(1) If there is already established by any person, other than a company formed under this Part or under any others be as- Act of this Legislature, any works on any lake or river for the improvement of which a company is formed under this Part, such company may with the approval of the Minister take possession of the works; and the owners thereof, or, if the works have been constructed on the property of His Majesty, the person at whose cost they have been constructed, shall be entitled to compensation for the value of the works, either in money or in stock of the company, at the option of the owner or the person at whose cost the works were constructed, and may become a shareholder in the company for an amount equal to the value of the works, such value to be ascertained by arbitration.

(2) Where the company purchases or takes possession of the works, and does not make or construct any other works than those so acquired, the company shall furnish the Minister with a detailed description of such works and the amount of the purchase price or compensation. R.S.O. 1914, c. 181, s. 25.
Amended.

Mill sites,
etc., not to
be taken
without the
consent of
the owner.

45.—(1) Nothing herein shall authorize a company formed under this Part to take possession of or injure any mill site upon which there are existing mills or machinery, or hydraulic works other than those intended to facilitate the passage of timber; and no company formed under this Part shall commence any work which interferes with or endangers such occupied mill site without the consent in writing of the owner, or unless it is determined by arbitration that the proposed works will not injure such mill site.

Registering
consent
or award.

(2) The consent or award shall be registered in the same manner as the instrument of incorporation of the company. R.S.O. 1914, c. 181, s. 26.

Time for
completion
of works.

46.—(1) The company shall, within two years from its incorporation, complete every work undertaken by it and mentioned in the application for the letters patent, and for the completion of which the company is incorporated; in default of which the company shall be liable to forfeit the right to all the corporate and other powers and authority which it has acquired; and the Attorney-General may cause proceedings to be taken in the name of His Majesty to set aside the charter by serving notice upon the company, and the Lieutenant-Governor in Council may, after an opportunity to be heard has been given to the company, declare that its corporate powers shall cease and determine at a date to be named in the Order in Council.

Cessation of
corporate
powers.

(2) From and after such date all the corporate powers of the company shall cease and determine unless, prior to the taking of proceedings by the Attorney-General, further time is granted by the Minister, or the completion of the works appears to be unnecessary and is dispensed with by him.

Default in
completing
works.

(3) If in the opinion of the Minister the company has abandoned for one year any works completed by it so that the same are not in sufficient repair and cannot be used for the purpose for which they were undertaken, the Minister may by his order in writing, declare the corporate powers of the company shall cease and determine, to the extent set out in such order. R.S.O. 1914, c. 181, s. 44. *Amended.*

When com-
panies may
be united.

47. Any two companies formed for the construction of works on contiguous waters may unite and form one consolidated company on such terms as to them seem meet; and the name of the company to be then assumed shall thenceforth be its corporate name, and letters patent may, subject to the approval of the Minister, be issued to it, and when issued the consolidated company may exercise and shall enjoy all the rights and shall be subject to all the liabilities of other com-

panies formed under this Part, and which the separate companies had and enjoyed or were subject or liable to before their union. R.S.O. 1914, c. 181, s. 47.

48. Whenever the Lieutenant-Governor in Council deems it expedient for the public service he may declare any company formed under this Part to be dissolved, and may declare all the works of such company to be public works upon payment to such company of the then actual value of the works to be determined in accordance with the provisions of *The Public Works Act*. R.S.O. 1914, c. 181, s. 48.

49. Where a company incorporated under chapter 153 of Letters Patent the Revised Statutes of 1877, or under chapter 68 of the Consolidated Statutes of Canada, applies for the issue of letters patent under *The Companies Act* letters patent may, subject to the approval of the Minister, be issued conferring upon the company any of the powers authorized by this Part, and by such letters patent the term of existence of the said company may be limited and the company shall be subject to the provisions of this Part. R.S.O. 1914, c. 181, s. 49.

50.—(1) The term of existence of any company incorporated for a limited period may be extended for such a number of years as the Lieutenant-Governor in Council may, previous to the expiry of such period, direct. R.S.O. 1914, c. 181, s. 50 (1).

(2) Where the term of existence of any company incorporated for a limited period has expired but the company has continued to carry on business and it appears to the Lieutenant-Governor in Council that the company has acted in good faith, the Lieutenant-Governor in Council, notwithstanding the expiry of such period, may, by supplementary letters patent, extend the term of existence of the company as from the date of the expiry, and thereupon the company shall be deemed to have continued in existence from such date and the works constructed by the company shall not be deemed to have become the property of His Majesty, but to have remained vested in the company for the period named in such supplementary letters patent. 1921, c. 59, s. 2.

(3) Where any extension or improvement of the works or any new works proposed to be undertaken, are approved by the Minister supplementary letters patent may be issued authorizing the construction of such extension or improvement or such new works as the case may be. R.S.O. 1914, c. 181, s. 50 (2).

When the Lieutenant-Governor in Council may declare a company dissolved

c. 178.

Extension of existence of company by supplementary letters patent.

Extension of charter after expiry of term of company's existence.

Issue of supplementary letters patent for extensions or improvements.

PART V.

TOLLS.

Interpretation.

51. In this Part,—

"Operator."

(a) "operator" shall mean owner or occupier of the works;

"Works."

(b) "works" shall mean works as defined by Part IV which have been constructed. *New.*

Right to tolls.

52. The operator may demand and receive the lawful tolls upon all timber passing through or over such works, and shall have free access to such timber for the purpose of measuring or counting it. R.S.O. 1914, c. 181, s. 35.

Publication of schedule of tolls.

53.—(1) In each year, prior to the first day of March, the operator shall publish once a week for four successive weeks in a newspaper published in the county or district in which the works are situate, a schedule of the tolls proposed to be charged together with a notice stating that on a day and hour named he will apply to a judge of such county or district for the approval of such tolls. R.S.O. 1914, c. 181, s. 33. *Amended.*

Time for hearing application.

(2) Before publishing the schedule of tolls the operator shall apply to a judge of such county or district to fix the time for the hearing of the application so that it may be inserted in the notice, and such judge shall at the time so fixed, hear the application and approve of the schedule of tolls after making such changes therein as he may think proper. *New.*

Basis on which tolls to be fixed.

(3) In fixing the tolls the judge shall have regard to and take into consideration the original cost of the works and improvements, the amount required to maintain them and to cover interest upon the original cost, as well as such other matters as under all the circumstances may be deemed just and equitable. 1914, c. 130, s. 11.

Production of books of account.

(4) The judge may on such hearing require the production of all books of account of the operator for the purpose of ascertaining the state of the affairs of the operator, and may, if he thinks it necessary, appoint some person to inspect such books and make a report to him on the affairs of the operator for the purpose of determining the tolls which should be charged.

No appeal.

(5) The schedule of tolls as approved of by the judge shall be final and binding and there shall be no appeal from his decision.

(6) If the schedule of tolls be amended, then the tolls as so amended shall be published once a week for two successive weeks in a newspaper published in the county or district in which the works or improvements are situate. *New.*

(7) The operator shall forthwith after the schedule of tolls has been approved of by the judge send a copy of it certified by the judge to the Minister so that the same may be filed in the Department of Lands and Forests, and on failure to do so he shall incur a penalty not exceeding \$20. *New.*

54.—(1) The operator may demand from the owner of any timber intended to be passed over or through any portion of the works, or from the person in charge of the same, a written statement of the quantity of every kind of timber and of its destination, and of the sections of the works over or through which it is intended to pass, and if no written statement is given when required, or if a false statement is given, the whole of the timber, or such part of it as has been omitted by a false statement, shall be liable to double toll.

(2) If any owner or person in charge of such timber knowingly or wilfully returns a larger quantity than it is his intention to pass over or through the works the operator shall be entitled, in addition to any other remedy he may have, to collect tolls on the difference between the quantity so falsely estimated and the quantity actually passing over or through the works. R.S.O. 1914, c. 181, s. 34.

55. If the tolls are not paid on demand they may be recovered by action. R.S.O. 1914, c. 181, s. 36.

56. If timber has come through or over part only of the works the owner of the timber shall be liable to pay tolls only for such sections of the whole works as he has made use of if, in the schedule of tolls, the works are divided into sections, and if not, to pay such a portion of the whole tolls as the distance the timber has come through or over the works bears to the whole distance for which the works extend. R.S.O. 1914, c. 181, s. 37.

57.—(1) The operator shall have a lien upon the timber passing through or over such works or improvements for the amount of the tolls, ranking next after the lien of the Crown for dues in respect of the timber.

(2) If the tolls are not paid any justice of the peace having jurisdiction within or adjoining the locality in which the works or improvements are situate, upon the oath of such operator or of his agent being made that the just tolls have not been paid, shall issue a warrant for the seizure of such timber or so much of it as he may deem sufficient to satisfy the tolls.

Warrant to seize and proceedings thereon.

(3) The warrant may be directed to any constable or to any person sworn as a special constable for that purpose at the discretion of the justice, and it shall authorize the person to whom it is directed, if the tolls are not paid within 14 days from the date of the warrant, to sell the timber subject to any lien of the Crown for dues, and out of the proceeds to pay such tolls, together with the costs of the warrant and sale, rendering the surplus on demand to the owner.

When warrant not to be issued.

(4) A warrant shall not be issued after the expiration of one month from the time of the passage of the timber through or over any of the works or improvements. R.S.O. 1914, c. 130, s. 13.

Rules by operator.

58.—(1) The operator may make rules for regulating the safe and orderly floating of timber, over or through the works; but no such rules shall have any force or effect until approved by the Minister who may alter or amend the same before giving his approval, and the Minister may revoke and cancel any rules so made and approved, and from time to time approve of new rules which the operator may make. R.S.O. 1914, c. 130, s. 14.

Penalty.

(2) Any person who resists or impedes the operator or any of his servants in the floating of timber through or over any such works, or in carrying out any such rules or resists him or his servants who may require access to any timber to ascertain the just tolls thereon, or in any way molests him or his servants in the exercise of any rights conferred upon them by this Part, shall incur a penalty of not less than \$1 or more than \$10. R.S.O. 1914, c. 181, s. 39.

Service of summons.

(3) In any prosecution under this section the summons may be served either personally or by leaving a copy of it at the usual place of abode of the person named in it or with any adult person belonging to the raft to which the person named is attached. R.S.O. 1914, c. 181, s. 40.

Right to penalty.

(4) The penalties when collected shall be paid to the operator for his own use. R.S.O. 1914, c. 181, s. 41.

PART VI.

DRIVING OF TIMBER.

Duty of persons floating timber not to obstruct floating or navigation.

59. Any person putting or causing to be put timber into any water for the purpose of floating the same in, upon or down such water shall make adequate provision and put on a sufficient force of men to break, and shall make all reasonable endeavours to break, jams of such timber and clear the timber from the banks and shores of such water with reasonable

despatch,

despatch, and shall run and drive the same so as not unnecessarily to delay or hinder the removal, floating, running or driving of other timber or unnecessarily to obstruct the floating or navigation of such water. R.S.O. 1914, c. 131, s. 3.

60. If any person neglects to comply with the provisions of the next preceding section it shall be lawful for any other person desiring to float, run or drive timber in, upon or down such water, and whose timber would be obstructed by such jams, to cause them to be broken and the timber to be cleared from the banks and shores of such water, and to be floated, run and driven in, upon or down the same. R.S.O. 1914, c. 131, s. 4.

Right of
other persons
obstructed
to clear.

61.—(1) The person who causes such jams to be broken or timber to be cleared, floated, run or driven, pursuant to the next preceding section, shall do the same with reasonable economy and despatch; and shall take reasonable care not to leave timber on the banks or shores, and shall have a lien upon the timber in the jam or upon the timber so cleared, floated, run or driven for the reasonable charges and expenses of breaking the jams and the clearing, floating, running, driving, booming and keeping possession of such timber, and may take and keep possession of the same or so much thereof as may be reasonably necessary to satisfy the amount of such charges and expenses pending the decision by arbitration.

Duty of
persons
clearing
obstruction
to use due
care.

Lien.

(2) The person taking possession of timber under this section shall use all reasonable care not to take such timber beyond the place of its original destination, if known, but may securely boom and keep possession of the same at or above such place.

(3) The owner or person controlling such timber, if known, shall be forthwith notified of its whereabouts; and if satisfactory security is given for the amount of such charges and expenses possession of the timber shall be given up. R.S.O. 1914, c. 131, s. 5.

Notifying
owner.

62. When timber of any person upon or in any water or the banks or shores of such water are so intermixed with timber of another person, that the same cannot be conveniently separated for the purpose of being floated in, upon or down such water, the several persons owning or controlling the intermixed timber shall respectively make adequate provision and put on a fair proportion of the men required to break jams of such intermixed timber, and to clear the same from the banks and shores of such water with reasonable despatch, and to float, run and drive the same in, upon or down such water; and the costs and expenses thereof shall be borne by the

Provision
when timber
of several
owners can-
not con-
veniently be
separated.

parties in such proportions as they may agree upon, and in default of agreement as may be determined by arbitration. R.S.O. 1914, c. 131, s. 6.

Provision
when owner
of any
portion of
timber is in
default.

63. If any person neglects to comply with the provisions of the next preceding section it shall be lawful for any other person whose timber is intermixed to put on a sufficient number of men to supply the deficiency and break jams of such intermixed timber and to clear the same from the banks and shores of such water, and to float, run and drive all such intermixed timber in, upon or down such water. R.S.O. 1914, c. 131, s. 7.

Lien on
timber.

64.—(1) The person supplying such deficiency and causing such jams to be broken, or such intermixed timber to be cleared, floated, run or driven, pursuant to the next preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave timber on the banks or shores, and shall have a lien upon the timber owned or controlled by the person guilty of such neglect for a fair proportion of the charges and expenses of breaking the jams, and the clearing, floating, running, driving, booming, and keeping possession of such intermixed timber; and may take and keep possession of such timber or so much thereof as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending arbitration.

Duty of
holder.

(2) The person taking possession of timber under this section shall use all reasonable care not to take such timber beyond the place of its original destination, if known, but may securely boom and keep possession of the same at or above such place.

Notifying
owner.

(3) The owner or person controlling such timber, if known, shall be forthwith notified of its whereabouts, and if satisfactory security is given for the amount of such proportion of charges and expenses possession of the timber shall be given up. R.S.O. 1914, c. 131, s. 8.

Right of
owner to
separation
of timber.

65. Where timber of any person upon or in any water or the banks or shores of such water is intermixed with timber of another person any of the persons whose timber is intermixed may at any time during the drive require his timber to be separated from the other timber at some suitable and convenient place, and after such separation he shall secure the same at his own cost and expense in such manner as to allow free passage for such other timber; but when any timber reaches its place of original destination, if known, so intermixed the same shall be there separated from the other timber, and after such separation each owner shall secure the same at his own cost and expense. R.S.O. 1914, c. 131, s. 9.

66. The several persons owning or controlling the intermixed timber shall respectively make adequate provisions and put on a fair proportion of the men required to make the separation; the cost and expense of such separation shall be borne by the parties in such proportions as they may agree upon, and in default of agreement as may be determined by arbitration. R.S.O. 1914, c. 131, s. 10.

Expenses of
separation
to be shared.

67. —(1) If any person neglects to comply with the provisions of the next preceding section it shall be lawful for any other person whose timber is intermixed to put on a sufficient number of men to supply the deficiency, and the timber owned by or controlled by the person guilty of such neglect shall be subject to a lien in favour of the person supplying the deficiency for a fair proportion of the charges and expenses of making the separation, and for the reasonable charges and expenses of booming and keeping possession, and such person may take and keep possession of such timber or so much thereof as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending determination of the amount by arbitration.

Provision
when owner
does not pro-
vide for his
share of
work.

(2) The person taking possession of timber under this section shall use all reasonable care not to take such timber beyond the place of its original destination, if known, but may securely boom and keep possession of the same at or above such place.

(3) The owner or person controlling such timber, if known, shall be forthwith notified of its whereabouts, and if satisfactory security is given for the amount of such proportion of charges and expenses possession of the timber shall be given up. R.S.O. 1914, c. 131, s. 11.

68. The security referred to in sections 61, 64, and 67 may be by bond, Form 1, or by deposit of money, or in such other way as the parties may agree upon. R.S.O. 1914, c. 131, s. 12.

Duty of
holder.

69. If it is determined by arbitration that any person acting under the assumed authority of this Part has without just cause taken possession of or detained or caused to be taken possession of or detained timber of another person, or has after offer of security which the arbitrator may think should have been accepted, detained such timber, or has through want of reasonable care left timber of another person on the banks or shores of any lake or river, or has taken timber of another person beyond the place of its original destination contrary to the provisions of sections 61, 64 and 67, such first mentioned person shall pay to such last mentioned person such damages as the arbitrator may determine. R.S.O. 1914, c. 131, s. 13; 1914, c. 2, Sched. (25).

Damages
when timber
wrongfully
detained.

Lien under
s. 61, 64 and
67, subject
to lien for
tolls.

70. The lien given by sections 61, 64 and 67 shall be subject to the lien, if any, of any person for tolls for the use of any works or improvements made use of in running or driving timber. R.S.O. 1914, c. 131, s. 14.

Rights of
Crown not
affected.

71. Nothing in this Part shall affect the lien or rights of the Crown upon or in respect of any timber. R.S.O. 1914, c. 131, s. 15.

Arbitration.

72. All claims, disputes and differences arising from any act or omission under this Part or by reason of failure to perform any duty or obligation imposed by this Part shall be determined by arbitration and not by action. R.S.O. 1914, c. 131, s. 16.

Notice
of claim.

73. The person claiming that another person has not complied with the provisions of this Part, or claiming payment of any charges or expenses under this Part, or claiming a lien upon any timber, or claiming damages under section 69, shall give to such other person notice in writing stating the substance and amount of the claims made.

Counter-
claim.

74. The person on whom a claim is made, at any time before the arbitration is entered upon or with leave of the arbitrator during the arbitration, may give the claimant notice in writing by way of counter-claim, stating the substance of any claim arising under this Part which such person may have against the claimant, and such counter-claim, unless barred under section 77 shall be determined in the arbitration. R.S.O. 1914, c. 131, s. 20.

Sale by
person hav-
ing lien.

75.—(1) The person having a lien upon timber by virtue of this Part may with the approval of the arbitrator sell such timber or a sufficient part thereof in order to realize the amount of such lien, and of the costs, charges and expenses connected with the sale.

Direction by
arbitrator.

(2) The arbitrator shall determine either by the award or by a separate document the time, place and manner of such sale, and may from time to time give directions in writing respecting such sale, and the realization of such lien and of the costs, charges and expenses connected therewith. R.S.O. 1914, c. 131, s. 24.

Finality of
award.

76. The award and directions in writing of the arbitrator shall be final and binding and shall not be subject to appeal. R.S.O. 1914, c. 131, s. 25.

Limitation
of time for
making
claims.

77.—(1) All claims arising under this Part shall be made within one year after the same have arisen otherwise they

shall

shall be barred; but in the event of such claims arising between the same parties in two successive seasons the same shall be so made within one year after the last of such claims has arisen. *Exception.* R.S.O. 1914, c. 131, s. 27.

(2) Where any claim is submitted to arbitration and a counter-claim is set up such counter-claim shall be deemed to have been brought at the date of the service of the claim. *New.*

78. The Lieutenant-Governor in Council may from time to time by proclamation published in the *Ontario Gazette* declare that any part of Ontario or any water therein shall, until further proclamation, be exempt from the operation of this Part, and thereupon the same shall be exempt accordingly. R.S.O. 1914, c. 131, s. 28.

79. Any part of Ontario or any water therein exempted by proclamation from the operation of this Part may, by proclamation published in the *Ontario Gazette*, be again brought within its operation until further proclamation and so on from time to time. R.S.O. 1914, c. 131, s. 29.

PART VII.

WATER PRIVILEGES.

80. This Part shall be subject to the provisions of Parts Application. I and II. *New.*

81. In this Part "Occupied Water Privilege" shall mean a mill privilege, or water power, which has been or is in use for mechanical, manufacturing, milling or hydraulic purposes, or for the use of which for any of such purposes the necessary works are *bona fide* in course of construction. R.S.O. 1914, c. 129, s. 2.

82. Subject to the provisions of section 87 an occupied water privilege shall not be in any manner interfered with or encroached upon under the authority of this Part without the consent of the owner. R.S.O. 1914, c. 129, s. 3.

83.—(1) A person desiring to use or improve a water privilege, of which or a part of which he is the owner or legal occupant, for any mechanical, manufacturing, milling or hydraulic purposes by erecting a dam and creating a pond of water, increasing the head of water in any existing pond or extending the area thereof, diverting the waters of any

stream,

stream, pond or lake into any other channel, constructing any raceway or other erection or work which he may require in connection with the improvement and use of the privilege, or by altering, renewing, extending, improving, repairing or maintaining any such dam, raceway, erection or work, or any part thereof, shall have the right to enter upon any land which he may deem necessary to be examined and to make an examination and survey thereof, doing no unnecessary damage and making compensation for the actual damage done.

*And after
order by
judge to
acquire lands
for improv-
ing water
privileges.*

(2) If, upon an application to a judge of the county or district court, as hereinafter provided, such person obtains authority he may take, acquire, hold and use such portions of the land so examined or such rights over or in respect thereof as the judge may deem necessary for the completion, improvement or maintenance of the water privilege and works in connection therewith. R.S.O. 1914, c. 129, s. 4.

*Trans-
mission line.*

(3) The building of a transmission line for the transmission of electrical power or energy generated by an occupied water privilege shall be deemed to be a use or improvement of a water privilege within the meaning of this section. *New.*

Proceedings.

84.—(1) A person desiring to exercise the powers herein-before mentioned, or any of them, shall cause:—

- (a) surveys and levels to be made and taken of the land sought to be taken, used or otherwise affected, and a map or plan thereof to be prepared;
- (b) a statement to be prepared giving
 - (i) a general description of the land to be taken and of the powers intended to be exercised with regard to any land, describing it;
 - (ii) the names of the owners and occupiers of the land, so far as they can be ascertained; and
 - (iii) everything necessary for the right understanding of the map or plan, including a registrar's certified abstract of the titles to all the land to be affected by the application;
- (c) the map or plan and the statement to be filed in the office of the clerk of the county or district court of the county or district wherein the land or part thereof is situate.

*Application
to judge.*

(2) He may then apply to the judge of such county or district court for an order empowering him to exercise the

powers

powers or such of them as he may desire. R.S.O. 1914, c. 129, s. 5.

85. In addition to any other notice which the judge may direct to be given, public notice of application stating the time and place when and where the same is to be heard, shall be inserted for such period as the judge may direct in a newspaper published in the county or district or one of the counties or districts where the proposed works are to be constructed or any of the land affected is situate. R.S.O. 1914, c. 129, s. 6.

86. If the judge is of the opinion that the allowance of the application in whole or in part is in the public interest and is proper and just under all the circumstances of the case he may make an order empowering the applicant to exercise such of the powers as the judge may deem expedient, for such time and on such terms and conditions as he may determine, and the land affected shall be described in the order. R.S.O. 1914, c. 129, s. 7.

87. Where evidence is produced which satisfies the judge that the owner of a water privilege which has been but is not in actual use for any of the purposes mentioned in subsection 1 of section 83 is holding the same with the intention of again using it for mechanical, manufacturing, milling or hydraulic purposes the judge may make an order fixing the time within which the necessary works for the actual use of such water privilege shall be constructed and actually used, and, unless such evidence is produced or the terms of such order are complied with, the water privilege shall not be deemed to be an occupied water privilege within the meaning of this Part. Order as to a privilege not in actual use R.S.O. 1914, c. 129, s. 8.

88. Where two or more persons claim to exercise the powers conferred by this Part in respect of the same water privilege, or any part thereof, the judge may impose such terms as he may deem just, and may also limit a time within which the person whose application he allows shall construct the necessary works and actually use such water privilege. R.S.O. 1914, c. 129, s. 9.

89. No pond shall be authorized to be made or enlarged so as to exceed twenty acres in extent unless the judge for special reasons otherwise directs. R.S.O. 1914, c. 129, s. 10.

90.—(1) The judge shall in the order state the height to which the water may be raised and fix the extent of the pond. What is to be stated in order.

(2) The judge shall also assess the sum to be paid as the value of the land to be taken or used or of the powers to be exercised. Compensation for injury.

exercised, and the damages, if any, to be paid as compensation by the applicant for any injury which may be occasioned by the proposed works, and may make such order as to costs as he may deem just.

Scale and taxation.

(3) The costs shall be the same as in ordinary proceedings in the county court and shall be taxed by the clerk. R.S.O. 1914, c. 129, s. 11.

Payment of amount awarded.

91.—(1) The sums so assessed and the costs shall be paid to the persons entitled thereto, or into the Supreme Court as the judge may direct, before the powers or any of them are exercised and within sixty days after the order is made.

Enforcing or setting aside order.
1926, c. 26.

(2) If the same are not so paid the order may be enforced under *The Judges' Orders Enforcement Act*, or, at the option of any of the persons entitled to receive a sum so assessed, may, on application to the judge, be set aside and vacated as to him, and in such case the judge may make such order as to the costs of the proceedings and of the application as he may deem just. R.S.O. 1914, c. 129, s. 12.

Conveyance of land.

92. Upon the payment of the sums assessed and costs the applicant shall be entitled to a conveyance, to be settled by the judge in case of dispute, of the land or rights mentioned in the order in respect of which payment is so made, and shall be further entitled to have and exercise such of the powers mentioned in section 83 as he is authorized by the order to exercise. R.S.O. 1914, c. 129, s. 13.

Registration of judge's order.

93. For the purpose of registration the order shall be deemed a judgment of the court to which the judge belongs. R.S.O. 1914, c. 129, s. 14.

Judge's powers.

94. The judge shall have all the powers possessed by him or by a county or district court in an action. R.S.O. 1924, c. 129, s. 15.

Judge's fees.

95. The judge shall be entitled for his services to the like fees as are allowed to arbitrators. R.S.O. 1914, c. 129, s. 16.

Appeal from county judge.

96.—(1) By leave of a judge of the Supreme Court an appeal shall lie from the final order of the judge on any application under this Part to a Divisional Court.

Review of decision.

(2) On such appeal the decision of the judge upon questions of fact and all other questions shall be open to review.

Application for leave to appeal.

(3) The application for leave to appeal shall be made within ten days from the day on which the order appealed from is

made,

made, or within such further time as a judge of the Supreme Court may allow.

(4) The judge to whom the application is made shall determine the time within which the appeal shall be set down to be heard, the persons upon whom notice of the appeal shall be served and all such other matters as he may deem necessary for the most speedy and least expensive determination of the appeal.

(5) If the appeal is not set down to be heard within the time limited, or if any other condition imposed is not complied with, the appeal shall, unless otherwise ordered by a judge of the Supreme Court, be deemed to have been abandoned.

(6) The practice and procedure upon the appeal, except so far as is herein, or by the judge to whom the application for leave is made, otherwise provided, shall be the same as upon an appeal from a county court. R.S.O. 1914, c. 129, s. 17.

PART VIII.

REPEAL.

97. The following Acts and parts of Acts are hereby repealed to the extent herein set out.

R.S.O. 1914, Chapter 129, *The Water Privileges Act.*
The whole.

R.S.O. 1914, Chapter 130, *The Rivers and Streams Act.*
The whole.

R.S.O. 1914, Chapter 131, *The Saw Logs Driving Act.*
The whole.

R.S.O. 1914, Chapter 181, *The Timber Slide Companies Act.* The whole.

1914, Chapter 2, *An Act to Confirm the Revised Statutes of Ontario and to Correct Certain Clerical and Typographical Errors therein.* Sched. (25).

1921, Chapter 59, *The Timber Slide Companies Amendment Act, 1921.* The whole.

1922, Chapter 55, *The Rivers and Streams Act, 1922.*
The whole.

FORM 1.

(Section 68.)

Know all men by these presents that we (*here insert names of obligors, being the owner of the timber and at least one sufficient surety; or, if the signature of the owner cannot be obtained without unreasonable delay, then being two sureties*) , are held and firmly bound unto A.B. (*here insert the name of the person claiming the lien*) in the penal sum of (*double the amount of the claim*) \$, to be paid to the said A.B., his executors, administrators and assigns, for which payment well and truly to be made we and each of us, bind ourselves, and each of us our and each of our executors and administrators jointly and severally, firmly by these presents, sealed with our seals, and signed by us this day of , 19 .

Whereas the said A.B., claiming to act under the authority of Part VI of *The Lakes and Rivers Improvement Act* has taken possession of certain (timber,) owned or controlled by and claims a lien thereon for the sum of \$, under the provisions of section (61, 64 or 67, as the case may be) of the said Act.

And whereas this bond is given as security for payment to the said A.B., of such sum as he may be held entitled to by arbitration pursuant to the said Act, and of any costs and expenses of the arbitration which may become payable to him.

Now the condition of the above obligation is such that if the said his executors or administrators do pay to the said A.B., his executors, administrators or assigns, such sum as may be determined by arbitration pursuant to the said Act, to be payable to the said A.B., his executors, administrators or assigns for charges and expenses, and also such sum as may become payable to the said A.B., his executors, administrators or assigns, for costs and expenses of such arbitration, then the above obligation to be void, otherwise to remain in full force.

C. D. [SEAL.]
F. G. [SEAL.]

Signed, sealed and delivered }
in the presence of }
X.Y. }

R.S.O. 1914, c. 131, Form 1.

CHAPTER 41.

An Act to amend The Bills of Sale and Chattel Mortgage Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Bills of Sale and Chattel Mortgage Act, 1927.* Short title.

2.—(1) The clause lettered *b* in section 2 of *The Bills of Sale and Chattel Mortgage Act* is amended by inserting after c. 135, s. 2.
cl. b,
amended.

the word "insolvency" in the third line the words "or trustee in bankruptcy."

(2) The said section 2 is amended by adding thereto the c. 135, s. 2.
amended.

(*bb*) "Debentures" shall include debentures, debenture stock, notes, bonds or other securities which contain or are entitled to the benefit of a mortgage charge or floating charge on the personal assets of any company. "Debentures."

(3) The clause lettered *c* in the said section 2 is amended by adding at the end thereof the words "and shall include any c. 135, s. 2.
cl. c.,
amended. deed or instrument by which a charge or floating charge is created upon personal property."

3.—(1) Section 5 of *The Bills of Sale and Chattel Mortgage Act* is amended by striking out the words "or a true copy c. 135, s. 5.
amended." in the fourth line.

2) The clause lettered *a* in the said section 5 is amended by striking out the words "or of the due execution of the c. 135, s. 5.
cl. a,
amended. mortgage of which the copy filed purports to be a copy," in the second, third and fourth lines.

3) The clause lettered *b* in the said section 5 is amended by adding at the end thereof the words "or in cases falling c. 135, s. 5.
cl. b,
amended. within section 6 the affidavit therein prescribed."

Rev. Stat.,
§ 135, s. 6,
repealed.

4. Section 6 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following substituted therefor,—

6. Where a mortgage of goods and chattels is made,—

Mortgage
to secure
future
advances.

(a) to secure the mortgagee for advances made in pursuance of an agreement in writing to make future advances for the purpose of enabling the borrower to enter into or to carry on business with such advances, the time of repayment thereof not being longer than one year from the making of the agreement; or

To secure
endorsers.

(b) to secure the mortgagee against the endorsement of any bill of exchange or promissory note or other liability by him incurred for the mortgagor, such liability not extending for a longer time than one year from the date of the mortgage;

Affidavit of
bona fides.

the affidavit of the mortgagee shall state that the mortgage truly sets forth the agreement and truly states the extent and amount of the advances intended to be made or liability intended to be created by the agreement and covered by the mortgage, and that the mortgage is entered into in good faith and for the express purpose of securing the mortgagee repayment of his advances or against the liability intended to be created, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor nor to prevent such creditors from recovering any claims which they may have against the mortgagor.

Rev. Stat.,
§ 135,
amended.

5. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following section:

Registration
of sworn
copy.

6a. If for any reason it is shown to be necessary or expedient the county judge may permit the registration of a copy verified by affidavit to be registered in lieu of the original mortgage.

Rev. Stat.,
§ 135,
amended.

6. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following sections:

When
deceits not
to invalidate.

8b. A mortgage or conveyance shall not be invalidated by reason only of clerical errors or omissions therein or in the affidavits of execution and *bona fides* unless such errors or omissions are calculated to or have the effect of misleading or deceiving.

8c. Where a mortgage or conveyance is not duly registered ^{Registration after statutory period.} within the time prescribed by this Act, the judge of the county or district court may permit the same to be registered at a later date upon being satisfied by affidavit, or affidavits registered that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the parties have acted, and are acting in good faith, but in such case the mortgage or conveyance shall, as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration, be deemed to have been executed and to be effective only from the date of registration.

7. Section 18 of *The Bills of Sale and Chattel Mortgage Act* ^{Rev. Stat., c. 135, s. 18. amended.} is amended by adding thereto the following subsections:

- (6) The clerk shall give to the person registering an ^{Certificate of registration.} instrument a certificate of its registration if so requested.
- (7) Where there are more mortgagors or grantors than one the time shall be computed from the execution ^{Completion of time for registration.} of the instrument by the last mortgagor or grantor.

8. Section 21 of *The Bills of Sale and Chattel Mortgage Act* ^{Rev. Stat., c. 135, s. 21. amended.} is amended by adding thereto the following subsection:

- (10) Where a mortgagee has become bankrupt the affidavit may be made by the trustee in bankruptcy who shall report to the court upon knowledge, information and belief.

9.—(1) The clause lettered *d* in section 30 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following ^{Rev. Stat., c. 135, s. 30. amended.} substituted therefor:

- (*d*) For a general search, fifty cents; for a search as to ^{Fees on search.} any particular person, ten cents.

(2) The said section 30 is further amended by adding thereto ^{Rev. Stat., c. 135, s. 30.} the following clause:

- (*h*) For a certificate of registration of any instrument given at the time of registration, twenty-five cents. ^{On certificate of registration.}

10. *The Bills of Sale and Chattel Mortgage Act* is amended ^{Rev. Stat., c. 135, s. 135. amended.} by adding thereto the following sections:

MORTGAGES AND DEBENTURES OF INCORPORATED COMPANIES.

**Application
of section.**

33.—(1) The provisions of this Act, other than this section and sections 34 to 37 and the interpretation section, shall not apply to any mortgage made by an incorporated company after the 1st day of July, 1927, for the purpose of securing any issue of debentures.

**Registration
of mortgage
to secure
bonds.**

(2) Any such mortgage made by an incorporated company in so far as it creates any such mortgage or charge upon the personal property of the company in Ontario shall in so far as it affects goods and chattels in Ontario be void as against the creditors of the company or any subsequent purchaser or mortgagee in good faith for valuable consideration unless a duplicate original thereof with an affidavit showing the date of execution is filed with the Provincial Secretary within ten days after its execution.

**Proof to be
filed on
registration.**

(3) The mortgagee shall within the same time file with the Provincial Secretary a statement under oath showing the total amount of debentures authorized, or if the amount is not limited, showing such to be the case, and the amount of the debentures, if any, theretofore actually certified and delivered.

**By-laws and
resolutions
relating to
issue.**

(4) The mortgagee shall within the same time file with the Provincial Secretary a copy of the by-laws and resolutions passed by the directors or shareholders authorizing the mortgage and verified by an affidavit or certified under the seal of the company and in the event of any further by-laws or resolutions being passed by the directors or shareholders authorizing further debentures under such mortgage the company shall, within ten days after the passage thereof, file with the Provincial Secretary a copy of such by-laws or resolutions verified as aforesaid.

**Supple-
mentary
agreement
modifying
terms of
issue.**

(5) In case the terms of any mortgage are modified or altered by any supplementary agreement such supplementary agreement, duly verified, shall be filed by the mortgagee within ten days of its execution.

**Further
material to
be filed.**

(6) There shall be filed such further statement giving such further and other information as may be required by regulations made by the Lieutenant-Governor in Council.

- (7) The company shall also give to any person requiring such information a statement of the amount of debentures issued under such mortgage and then outstanding and of any interest in arrear. Information to be furnished by company.
- (8) Any mortgagee or company, as the case may be, failing to comply with any of the requirements of subsections 3, 4, 5, 6 and 7 of this section shall be liable to a penalty of not less than \$50 nor more than \$1,000 for every offence, but no prosecution shall be had nor proceedings taken to recover such penalty without the permission of the Attorney-General. Failure to comply with the provisions of said subsections 3, 4, 5, 6 or 7 shall not affect the validity of the mortgage or of the debentures issued or the rights of the holder or holders thereof.
- (9) A judge of the Supreme Court on being satisfied that the omission to register a mortgage within the time required under subsection 2 or the statement, copies of by-laws and resolutions, affidavit and debenture form under section 36 was accidental or due to inadvertence or some other sufficient cause and is not of a nature to prejudice the position of creditors of the company or subsequent purchasers or mortgagees or that on other grounds it is just and equitable to grant such relief may on the application of the company or any person interested and on such terms as he may deem just and expedient extend the time for registration of the mortgage or the filing of such other documents and when there has been any failure on the part of the mortgagee, or company, as the case may be, to comply with the requirements of subsections 3, 4, 5, 6 or 7 of this section or section 36, he may permit the default to be rectified upon such terms as he may deem just and expedient. Relief of court.
- (10) Where a mortgagee takes possession under his mortgage, or where a receiver or manager is appointed, either by virtue of the provisions of the mortgage, or by an order of the court, the mortgagee so taking possession, or the receiver or manager so appointed shall within seven days after possession has been taken, or the appointment has been made, file a statement showing the taking of possession or the appointment of the receiver or manager, and the mode of his appointment, with the Provincial Secretary, and in default of so doing the mortgagee, or receiver or manager shall be liable to a penalty not exceeding \$500, but no proceeding shall be had or
- Procedure on mortgagee taking possession or appointment of receiver, etc

taken to recover such penalty without the permission of the Attorney-General.

Records of mortgages.

34.—(1) The Provincial Secretary shall keep two records of mortgages, and other documents required to be filed under this Act in one of which they shall be entered in the order received with the date of filing and in the other they shall be recorded against the name of the mortgagor in alphabetical arrangement.

Priority.

(2) Mortgages and debentures to be registered under the provisions of this section shall operate and take effect upon, from and after the day and time of the execution thereof but subject to the express provisions contained in any such mortgage shall have priority among themselves according to the order of registration in the first of such records.

Right to search record.

(3) Any person may search the said records and documents filed.

Fees.

35. The fees to be paid for recording a mortgage and other papers to be filed therewith shall be \$10 00

And upon issue of future debentures 5 00
For registration of notice of appointment... 5 00

For the search of any particular mortgage and the papers filed therewith, or for a search as to any particular company..... 1 00

For a general search..... 2 00

For copies of any papers required ten cents per folio, and fifty cents for a certificate.

Registration of debentures which contain charge.

36.—(1) Where a debenture or a series of debentures is authorized by an incorporated company, containing any charge or floating charge upon any of the assets of the company and where apart from such debenture or debentures there is no mortgage capable of being registered under the provisions of preceding sections, it shall be sufficient if there is filed with the Provincial Secretary, within ten days after the issue of the debentures or any debenture of the series, a statement under oath by the president, vice-president, secretary or treasurer of the company showing the amount of the debentures or series of debentures authorized to be issued and the amount thereof, if any,

previously issued and copies of all by-laws and resolutions passed by the directors or shareholders authorizing the issue of the debentures or series of debentures, certified under seal of the company or verified by affidavit together with the form of the debenture so authorized.

- (2) Where more than one issue is made of such debentures together constituting one series there shall be filed with the Provincial Secretary within ten days after such issue particulars of the date and amount of each issue. Where more than one issue of same series.
- (3) Failure to file the form of debenture and the statement under oath as prescribed by subsection 1 shall so far as the debenture is a charge upon goods and chattels of the company in Ontario render it void as against any creditors of the company or any subsequent purchaser or mortgagee in good faith but any defect in compliance with the other requirements of the two preceding subsections shall not affect the validity of the debentures issued nor the rights of the holder or holders thereof, but every officer and director of the company failing to comply with such subsections shall be liable to a penalty of not less than \$50 nor more than \$1,000 for every offence, but no prosecution shall be had or proceedings taken to recover such penalty without the permission of the Attorney-General. Effect of failure to register debenture.
- (4) The fee to be paid upon registering a debenture or series of debentures under subsections 1 and 2 shall be \$10. Fees and registration.

- 37.—(1) The Provincial Secretary shall register any memorandum of satisfaction and discharge executed by the mortgagee or by any debenture holder, on the records kept by him, but shall not have any obligation to ascertain the validity or effect thereof, nor shall he be bound to ascertain that the person executing the memorandum was the holder of the debenture or entitled to execute the discharge. Registration of discharge of bond, mortgage or charge.
- (2) When a mortgagee having taken possession relinquishes possession or when a receiver is discharged the mortgagee or receiver shall file a statement of that fact with the Provincial Secretary. Filing statement of relinquishment of possession.
- (3) A fee of \$5 shall be paid on the registration of any memorandum of satisfaction or discharge or certificate under this section. Fee and registration of discharge.

CHAPTER 42.

An Act to amend The Conditional Sales Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Conditional Sales Act, 1927.*

**Rev. Stat.
c. 136, s. 3,
subs. 3;
amended.**

2.—(1) Subsection 3 of section 3 of *The Conditional Sales Act* is amended by striking out the words "a trader or other" in the first line and inserting in lieu thereof the word "any."

**Rev. Stat.
c. 136, s. 3,
subs. 4;
amended.**

(2) Subsection 4 of the said section 3 is amended by striking out the words "trader or other" in the first line.

**Rev. Stat.
c. 136, s. 5;
repealed.**

3. Section 5 of *The Conditional Sales Act* is repealed and the following substituted therefor:

**Index and
fees.**

5. The clerk of the county or district court shall make a record of every contract of which a copy is filed in his office under this Act, in an index book to be kept for that purpose and shall be entitled to the following fees for services under this Act:

(a) For filing each copy of a contract and making such record,—

(i) if the amount of the contract is less than \$1,000.....	\$.50
---	-------

(ii) if the amount of the contract is \$1,000 or more.....	1.00
--	------

(b) For filing each discharge or assignment and making a record thereof..... 1.00

(c) For a general search..... .25

(d) For a search as to any particular person..... .10

(e) For the production or inspection of any copy or document filed.....\$.10
(f) For copies of, or extracts from any copy or document filed, whether made by the person making the search, or by the clerk, per hundred words..... .10
(g) For a certificate of the filing of or identifying any copy or document filed, giving time, date and number of filing, when required, or any other proper certificate not otherwise provided for..... .50
(h) For every necessary letter..... .25

4. Section 9 of *The Conditional Sales Act* is amended by Rev. Stat. c. 136, s. 9, inserting after the word "goods" in the first line the words ^{amended.} "other than building material."

5. *The Conditional Sales Act* is amended by adding thereto Rev. Stat. c. 136, s. 9, the following section:

9b. When a contract has been made out of Ontario with reference to goods not then within Ontario which if made within Ontario and with reference to goods within Ontario would come within the provisions of this Act, or where under the law governing the contract the vendor has the right of revendication or to resume possession of the goods notwithstanding the possession of the purchaser upon default in payment of the price or the insolvency of the purchaser, and the goods are brought into Ontario, the purchaser shall be deemed to be the owner of the goods, unless the agreement or a caution under oath stating the nature of the agreement and of the right claimed, is filed in the same manner as a conditional sale agreement is required to be filed within thirty days after the goods are brought within Ontario.

6. Section 10 of *The Conditional Sales Act* as enacted by Rev. Stat. c. 136, s. 10, section 2 of *The Conditional Sales Act*, 1925, is repealed and (1925, c. 36, s. 2), the following substituted therefor:

10.—(1) A hire receipt or conditional sale contract may be discharged by filing in the office of the clerk of the county or district court in which a copy of such hire receipt or contract has been filed, a certificate that all moneys due thereunder have been satisfied,

or to the like effect, signed by the seller or lender and proved by affidavit of a subscribing witness and the clerk of such court shall, upon receiving such certificate, write the words "See discharge number (*stating the number of the certificate*)" opposite such place where the number of the hire receipt or contract has been entered in the index book kept for that purpose and he shall also endorse a similar memorandum upon the instrument discharged.

*Form of
discharge.*

- (2) The discharge may be in the following form:

I certify that *A. B.* has paid all money payable to me under conditional sale agreement dated the day of 19 , signed by him and filed on the day of 19 , as number

*Commencement
of
Act.*

7. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 43.

An Act to amend The Assignment of Book Debts
Act.*Assented to 5th April, 1927.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Assignment of Book Debts* Short title.
Act, 1927.

2. Section 3 of *The Assignment of Book Debts Act, 1923*, is ^{s. 3,} 1923, c. 29. amended by striking out the proviso therein after the clause amended. lettered *c*.

3. *The Assignment of Book Debts Act, 1923*, is amended by ^{s. 29,} 1923, c. 29. adding thereto the following section:

4a. This Act shall not apply to,—

Exception as
to applica-
tion of Act.

(a) any assignment of book debts due at the date of the assignment from specified debtors;

(b) any assignment of debts growing due under specified contracts;

(c) any assignment of book debts included in a transfer of a business made *bona fide* and for value;

(d) any authorized assignment under *The Bankruptcy Act.*

4. Subsection 1 of section 4 of *The Assignment of Book Debts* ^{s. 4, subs. 1} 1923, c. 29. is repealed and the following substituted therefor:

(1) An assignment shall be registered if contained in a mortgage or debenture made by an incorporated company by filing the same with the Provincial Secretary as required by *The Bills of Sale and Chattel*

Mortgage

Mortgage Act, and any other assignment shall be registered in the office of the clerk of the county or district court of the county or district in which the person making the assignment resides at the time of the execution thereof, or where the assignor is a company, in the office of the clerk of the county or district court of the county or district in which the head office of the company is situate, or in the case of a company having its head office out of Ontario, in the office of the clerk of the county or district court of some one of the counties or districts within which the company has a branch or carries on business within Ontario.

Commencement of Act. 5. This Act shall come into force on the 2nd day of July, 1927.

CHAPTER 44.

An Act to amend The Bulk Sales Act, 1917.

Assented to 5th April, 1827.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Bulk Sales Act, 1927.* Short title.
2. The clause lettered (d) in section 2 of *The Bulk Sales Act, 1917,* ^{s. 2, cl. d.} is amended by inserting after the word "bond" ^{amended.} in the third line the words "to the judge."
3. *The Bulk Sales Act, 1917,* is amended by adding thereto ^{1917, c. 33.} ^{amended.} the following section:
 - 10a. The bond may be delivered up to be cancelled by ^{Cancellation of bond.} the direction of the judge.
4. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

CHAPTER 45.

An Act to amend The Wages Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Wages Act, 1927.*

Rev. Stat.,
c. 143, s. 7,
(1920,
c. 42, s. 2),
amended.

2.—(1) Clause *a* of section 7 of *The Wages Act* as enacted by *The Wages Amendment Act, 1920*, is further amended by adding thereto the following words: “and provided further, that this section shall only apply where the amount of such exemption exceeds \$15 and that a portion of such debtor’s wages not exceeding \$15 shall in all cases be exempt from seizure or attachment,” so that the clause will now read as follows:

Extent of
exemption
from seizure
or attach-
ment.

(a) Seventy per centum of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages shall be exempt from seizure or attachment, provided however, that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as seventy per centum of such debtor’s wages should be exempt, the judge may, upon a hearing of the matter reduce the percentage of exemption herein allowed in any particular case, and provided further, that this section shall only apply where the amount of such exemption exceeds \$15 and that a portion of such debtor’s wages not exceeding \$15 shall in all cases be exempt from seizure or attachment.

Rev. Stat.,
c. 143, s. 7,
(1920,
c. 42, s. 2),
amended.

(2) The said section 7 is further amended by adding thereto the following clause, to be inserted after clause *a*,—

(aa)

(aa) Nothing in this section shall apply to any case No exemption where debt is for board or lodging or single debtor has no dependants. where the debt to the creditor has been contracted for board or lodging, or where the debtor is an unmarried person and the judge, upon enquiry, finds that he has no one dependent upon him for support.

3. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

CHAPTER 46.

An Act to amend The Workmen's Compensation Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Workmen's Compensation Act, 1927.*

1915, c. 24.
s. 2; 1925,
c. 43, s. 2
repealed.

2. Subsections 1 and 2 of section 6 of *The Workmen's Compensation Act* as re-enacted by section 2 of the Act passed in the year 1915, chaptered 24, and amended by section 5 of *The Workmen's Compensation Act, 1917*, and subsection 2a of the said section as enacted by section 2 of *The Workmen's Compensation Act, 1925*, are repealed and the following substituted therefor,—

Accident
while
workman
employed
out of
Ontario.

(1) Where the place of business or chief place of business of the employer is situate in Ontario and the residence and usual place of employment of the workman are in Ontario and an accident happens while the workman is employed out of Ontario and his employment out of Ontario has lasted less than six months, the workman or his dependants shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario.

Accident
while
workman
out of
Ontario
temporarily.

(1a) Where the place of business or chief place of business of the employer is situate in Ontario and the residence of the workman is out of Ontario but his usual and principal place of employment is in Ontario and an accident happens while the workman is out of Ontario merely for some temporary purpose connected with his employment, the workman or his dependants shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario.

(2) Where an accident happens out of Ontario and the employer's place of business or chief place of business is situate out of Ontario and the workman is entitled to compensation under the law of the place where the accident happens, compensation shall not be payable to the workman or his dependants whether he is resident within or without Ontario unless his place of employment is within Ontario and he is at the time of the accident out of Ontario merely for some casual or incidental purpose connected with his employment.

(2a) Where an accident happens out of Ontario on a steamboat, ship or vessel or on a railway and the workman is a resident of Ontario and the work or service rendered by him is required to be performed both within and without Ontario, the workman or his dependants shall be entitled to compensation under this Part as if the accident had happened in Ontario.

(2b) Except as provided in this section no compensation shall be payable under this Part where the accident to the workman happens while he is employed elsewhere than in Ontario.

3. Subsection 3 of section 9 of *The Workmen's Compensation Act* is amended by inserting after the word "names" <sup>1914, c. 25.
s. 9, subs. 3.</sup> amended. in the sixth line the words "or in the name of the Board."

4. Section 94 of *The Workmen's Compensation Act* is <sup>1914, c. 25.
s. 94, amended.</sup> amended by striking out the words "the clerk of the county or district court" in the seventh line and inserting in lieu thereof the words "the clerk of any county or district court or where the amount remaining unpaid does not exceed \$200, with the clerk of any division court."

5. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commissioner
ment of
Act.</sup>

CHAPTER 47.

An Act respecting the Solemnization of Marriage.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Marriage Act, 1927.*

WHO MAY SOLEMNIZE MARRIAGES.

Who may
solemnize
marriage in
Ontario.

2.—(1) The following persons, when duly registered as hereinafter provided, being resident in Canada, may solemnize marriage between persons not under a legal disqualification to contract such marriage:

Ministers
and clergymen.

(a) The ministers and clergymen of every church and religious denomination duly ordained or appointed according to the rites and ceremonies of the church or denomination to which they respectively belong;

Elders, etc.,
Congrega-
tions of
God and
Disciples of
Christ.

(b) Any elder, evangelist or missionary for the time being of any church or congregation of the religious people commonly called or known congregationally as "Congregations of God," "Congregations of Christ," or "Churches of Christ" and individually as "Disciples of Christ," who, from time to time, is chosen by any such congregation for the solemnization of marriages;

Officers of
Salvation
Army.

(c) Any duly appointed commissioner or staff officer of the religious society called the Salvation Army chosen or commissioned by the society to solemnize marriages;

Elders of
Farringdon
Independent
Church.

(d) Any elder for the time being of the church or congregation of religious people commonly called or known congregationally as "Farringdon Independent Church," who, from time to time, is chosen by such church or congregation for the solemnization of marriages;

Minister of
the Brethren.

(e) Any recognized evangelist, teacher or elder for the time being of any congregation of Christians commonly called or known as "Brethren" who may be

appointed

appointed by any such congregation for the solemnization of marriages. R.S.O. 1914, c. 148, s. 2; 1921, c. 51, s. 3. *Amended.*

(2) Any person who is duly qualified as above provided except as to residence shall if temporarily resident in Canada for the purpose of officiating during the absence or at the request of or for the purpose of assisting the clergyman or minister of any church or religious denomination within Ontario, be deemed for the purpose of this section resident in Canada. 1914, c. 21, s. 33. *Amended.*

(3) Notwithstanding anything contained in subsections 1 and 2 of this section, the Provincial Secretary may authorize from time to time any person mentioned in clauses *a* to *e* of subsection 1 of this section who is a British subject and resident in the British Empire, notwithstanding that such person is not at the time resident in Canada, to solemnize the marriage of the parties mentioned in such authorization. *New.*

3.—(1) The Provincial Secretary shall from time to time, on application made to him according to forms prescribed by the Lieutenant-Governor in Council, or to the like effect, which application may be made by the applicant or, on his behalf, by the ecclesiastical authority or authorities of the church, religious denomination or congregation to which he belongs, register such person as authorized to solemnize marriage and may issue one or more certificates of such registration to any person so registered or otherwise and may include therein the name of any number of persons so registered.

(2) The Provincial Secretary shall keep in his office a register or record of names of all persons registered as authorized to solemnize marriage, and the time when each such person was first so authorized, and, in case such registration has been cancelled, showing that fact and the date of such registration or revocation of authority to solemnize marriage.

(3) Whenever it is made to appear to the satisfaction of the Provincial Secretary that any person registered under the authority of subsection 1 of this section has ceased to possess the qualifications entitling him to be so registered, he may annul such registration and thereby revoke such authority.

(4) Whenever any person is registered under the authority of subsection 1 of this section to solemnize marriage, and whenever any registration has, as to any person, been cancelled, and the authority thereby revoked, the Provincial Secretary shall give notice in the *Ontario Gazette* of such

registration and revocation of such authority, stating therein the name of the person registered as authorized, or as to whom such registration has been cancelled, and publication in the *Ontario Gazette* of notice, purporting to be by the Provincial Secretary, that any person named therein has been registered as authorized to solemnize marriage shall in all courts be conclusive evidence of such registration and of the authorization and qualification of such person to solemnize marriage, unless and until it shall appear by notice published in the *Ontario Gazette* as aforesaid that such registration has been cancelled and the authority thereby revoked. 1921, c. 51, s. 2.

*Marriages
solemnized
by Quakers.*

4. Every marriage duly solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid; and all the duties imposed by this Act, or by *The Vital Statistics Act*, upon a minister or clergyman, shall, with regard to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized; but nothing herein shall require the marriage to be celebrated or solemnized by such clerk or secretary. R.S.O. 1914, c. 148, s. 3.

LICENSE, CERTIFICATE OR PROCLAMATION REQUIRED.

*Marriages
not to be
solemnized
unless
under
license or
certificate*

5.—(1) No minister, clergyman or other person shall solemnize any marriage unless duly authorized so to do by license under the hand and seal of the Lieutenant-Governor or of his deputy, or by a certificate under this Act, unless the intention of the persons to intermarry has been published as provided by subsection 2.

*Or after
proclama-
tion of in-
tention.*

(2) Such intention shall be proclaimed once openly, and in an audible voice, either in the church, chapel or meeting-house in which one of the persons has been in the habit of attending worship, or in some church, chapel, meeting-house or place of public worship of the congregation or religious body with which the minister or clergyman who performs the ceremony is connected, in the local municipality, parish, circuit or pastoral charge, where one of the persons has, for the space of fifteen days immediately preceding, had his or her usual place of abode; and where both the persons do not reside in the same local municipality, parish, circuit or pastoral charge, and the marriage is not authorized by license or certificate, a similar proclamation shall be made in the local municipality, parish, circuit or pastoral charge, being within Canada, where the other of the contracting parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode; and where the proclamation last mentioned is required such marriage shall not be solemnized until there is delivered to the person proposing to solemnize it a certificate, Form 1, showing that such proclamation has been made.

(3) Every such proclamation shall be made on a Sunday, ^{Made on Sunday} immediately before the service begins or immediately after it ends, or at some intermediate part of the service.

(4) The certificate of proclamation shall be signed by the clergyman, minister, clerk, secretary or other person who actually proclaimed the same, and shall show the official position of the person who signs it. R.S.O. 1914, c. 148, s. 4.

6.—(1) No marriage shall be solemnized under the authority of any proclamation of intention to intermarry unless such proclamation has been made at least one week previously, nor unless the marriage takes place within three months after the Sunday upon which the proclamation was made; nor shall a marriage be solemnized under the authority of any license or certificate unless within three months after the date thereof.

(2) No clergyman, minister or other person shall solemnize a marriage between the hours of ten o'clock after noon and six o'clock before noon unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist which render its solemnization between those hours advisable.

(3) No clergyman, minister or other person shall solemnize a marriage without the presence of at least two adult witnesses, and two or more of such witnesses shall affix their names as witnesses to the record in the register prescribed by section 31.

(4) No clergyman, minister or other person who is an issuer of marriage licenses shall solemnize the marriage in any case in which he has issued the license or the certificate provided for by section 8 authorizing such marriage, but this subsection shall not apply to any of the provisional judicial districts except Muskoka.

(5) The certificate or license to marry or the certificate of proclamation, when such certificate is required, shall be left with the clergyman, minister or other person who solemnizes the marriage, and he shall forthwith after such solemnization endorse upon the certificate or license the particulars mentioned in Form 4, and thereupon forward such certificate or license to the Registrar-General. R.S.O. 1914, c. 148, s. 5.

7. No clergyman, minister or other person who solemnizes a marriage ceremony after banns have been published or a license or certificate has been issued under this Act in respect thereto shall be subject to any action or liability for damages.

or otherwise by reason of there having been any legal impediment to the marriage unless, at the time when he performed the ceremony, he was aware of the impediment. R.S.O. 1914, c. 148, s. 6.

Certificate in
lieu of
marriage
license.

8. A certificate, Form 2, according to the circumstances of the case may, at the option of the applicant, be substituted and shall have the same legal effect as a license. R.S.O. 1914, c. 148, s. 7.

Issue of Licenses and Certificates.

Issue of
marriage
licenses
and cer-
tificates,
certain
municipal
clerks and
certain
police
magistrates
issuers
ex-officio.

9.—(1) Marriage licenses and certificates in lieu of marriage licenses shall be issued from the office of the Provincial Secretary, and the clerk of every city, town and incorporated village and every police magistrate having jurisdiction in territory without municipal organization shall be, *ex-officio*, an issuer of marriage licenses and, subject to any regulations as hereinafter provided, shall furnish marriage licenses to persons requiring the same. 1921, c. 51, s. 4.

Issuers of
licenses in
townships
and un-
organized
territory.

(2) The Lieutenant-Governor in Council may, where it is deemed expedient for the public convenience, appoint the clerk of any township, or any person resident in the Provisional County of Haliburton or in a township adjacent thereto, or in a provisional judicial district, an issuer of marriage licenses. 1925, c. 45, s. 2.

Validity of
licenses and
certificates.

10. Every license under the hand and seal of the Lieutenant-Governor or his deputy, and every certificate signed by the Provincial Secretary or Assistant Provincial Secretary, for the purpose of the solemnization of a marriage, shall be and remain valid notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary or the Assistant Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate. R.S.O. 1914, c. 148, s. 9.

Unauthor-
ized issue of
licenses or
certificates.

Penalty.

11. If any person issues any license or certificate for the solemnization of marriage without the authority of the Lieutenant-Governor in Council, unless under the authority of section 12, he shall incur a penalty of \$100 for every license or certificate so issued. R.S.O. 1914, c. 148, s. 10. *Amended.*

Appointment of Deputy Issuers.

Appoint-
ment of
deputy
issuers of
marriage
licenses.

12.—(1) An issuer of marriage licenses or certificates may, with the approval in writing of the Provincial Secretary or of the mayor or reeve of the municipality of which he is clerk, appoint, by writing under his hand, a deputy or deputies to act for him. 1921, c. 51, s. 6; 1926, c. 43, s. 2.

(2) A deputy while so acting shall have the power of the ^{Power of} ~~deputy-~~ ^{issuing} ~~issuers~~ appointing him. R.S.O. 1914, c. 148, s. 11 (2). *Amended.*

(3) The issuer shall, upon appointing a deputy, forthwith ^{Notice of} ~~appoint-~~ ^{ment of} ~~deputy.~~ transmit to the Provincial Secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Lieutenant-Governor may at any time annul the appointment.

(4) The deputy shall sign each license and certificate ^{How licenses} ~~to be signed~~ issued by him with the name of the issuer as well as his own ^{by deputy.} name in the following manner:—"A. B.—*Issuer of Marriage Licenses, per C. D., Deputy-Issuer.*" R.S.O. 1914, c. 148, s. 11 (3, 5).

13.—An issuer of marriage licenses shall have full power ^{Identification of} ~~for~~ applicants to require the production of witnesses to applicants identify the applicants for licenses, or either of them, and also to examine, under oath or otherwise, the applicants or other witnesses as to any material inquiry pertaining to the issuance of the license as he may deem necessary or advisable. 1921, c. 51, s. 10.

14.—(1) An issuer of marriage licenses or certificates shall keep in his office a register or record of all licenses or certificates issued by him stating the serial number, the date of issue of the license or certificate and the names and addresses of the parties to the intended marriage.

(2) Any person shall be entitled, on signing an application ^{Searches} ~~of records.~~ in the prescribed form, to have a search made respecting any license or certificate issued within three months preceding the date of the application. 1921, c. 51, s. 11.

Effect of Irregular Issue of License or Certificate.

15. No irregularity in the issue of a license or certificate, ^{In issue not} ~~where it has been obtained or acted on in good faith, shall to affect.~~ invalidate a marriage solemnized in pursuance thereof. R.S.O. 1914, c. 148, s. 12.

Unissued Licenses or Certificates.

16. Every issuer of licenses or certificates and every other ^{Unissued} ~~person having unissued licenses or certificates in his possession,~~ ^{returned to} ~~Provincial~~ ^{Secretary.} power, custody, or control, shall, whenever required so to do, transmit the same to the Provincial Secretary; and the property in all unissued licenses and certificates shall be and remain in His Majesty. R.S.O. 1914, c. 148, s. 13.

Expenses

*Expenses of Procuring Licenses.***Regulations.**

17. The Lieutenant-Governor in Council may make regulations defining the terms and conditions upon which marriage licenses and certificates shall be furnished and issued. 1921, c. 51, s. 5.

MARRIAGE OF PARTY UNDER EIGHTEEN YEARS OF AGE.**Consent to
marriage
of minor
under
eighteen.**

18.—(1) Save in cases provided for by subsections 3 and 4 of this section and by section 19, where either of the parties to an intended marriage, not a widower or a widow, is under the age of eighteen years, the consent in writing of the father if living, or, if he is dead, or living apart from the mother and child, and is not maintaining or contributing to the support of such child, the consent in writing of the mother if living, or of a guardian if any has been duly appointed, shall be obtained from the father, mother or guardian before the license is issued or before the proclamation of the intention of the parties to intermarry is made, and such consent shall be deemed to be a condition precedent to a valid marriage, unless the marriage has been consummated or the parties have after the ceremony cohabited and lived together as man and wife. 1919, c. 35, s. 2 (1). *Amended.*

**Consent to
be verified.**

(2) The execution of any consent required by this section shall be verified by affidavit or statutory declaration. 1926, c. 43, s. 3.

**Where par-
ents are dead
and there is
no guardian.**

(3) In the case of a party under the age of eighteen years, and not being a widower or a widow, if the father and mother are dead and there is no guardian duly appointed the issuer, on being satisfied as to the facts, may grant the license or certificate.

**If parents
not resident
in the
Province.**

(4) Where the parent whose consent is required has been declared to be insane or is confined in a hospital for the insane or, though living, is not a resident of Ontario, and is not in Ontario, or where such parents' whereabouts is unknown, at the time of the application for a license or certificate and the party under the age of eighteen years is and has been so resident for the next preceding twelve months, the issuer, on being satisfied by evidence of these facts, may grant the license or certificate. R.S.O. 1914, c. 148, s. 15 (3, 4); 1919, c. 35, s. 2 (3). *Amended.*

**No license to
be issued or
marriage to
be celebrated
where either
party under
fourteen.**

19. No license or certificate shall be issued to any person under the age of fourteen years, except where a marriage is shown to be necessary to prevent the illegitimacy of offspring and a certificate to that effect is given by a legally qualified medical practitioner known to the issuer, and, except in such

a case, no person shall celebrate the marriage ceremony in any case in which either of the contracting parties is under the age of fourteen years to the knowledge or information of such person. R.S.O. 1914, c. 148, s. 16. *Amended.*

20. Notwithstanding anything in this Act contained, if the Provincial Secretary considers that circumstances justify the issue of a marriage license in any particular case, he may, in his absolute discretion, authorize an issuer of marriage licenses to issue a license upon the production of such evidence as the Provincial Secretary may deem sufficient. 1916, c. 32, s. 3; 1926, c. 43, s. 4.

PENALTY FOR MARRYING IDIOT OR INSANE PERSON.

21. If any issuer of marriage licenses issues a license for a marriage or if any minister, clergyman or other person solemnizes a marriage, knowing or having reason to believe that either of the parties to the intended marriage or to the marriage is an idiot or insane or is under the influence of intoxicating liquor, he shall incur a penalty not exceeding \$500, and shall also be liable to imprisonment for any term not exceeding twelve months. R.S.O. 1914, c. 148, s. 17.

PENALTY UPON DISQUALIFIED MINISTER.

22. Any person not registered with and certified by the Provincial Secretary, as hereinbefore provided, or any person so registered and certified, but disqualified by change of residence or for any other reason, who solemnizes or undertakes to solemnize any marriage, shall incur a penalty of \$500, and shall also be liable to imprisonment for any term not exceeding twelve months, but such penalties shall be recoverable or imposed only by action at the suit of the Crown. 1921, c. 51, s. 7. *Amended.*

AFFIDAVIT FOR ISSUE OF LICENSE OR CERTIFICATE.

23. —(1) Before a license or certificate is issued one of the parties to the intended marriage shall personally make an affidavit, Form 3, before the issuer which shall state.—

- (a) in what county or district it is intended that the marriage shall be solemnized, and in what city, town, village, or place therein; and
- (b) that he or she believes there is no affinity, consanguinity, prior marriage, or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage; R.S.O. 1914, c. 148, s. 19 (1) cls. (a, b).

(c)

Affidavit as
to residence
in Ontario.

- (c) that one of the parties has, for the space of fifteen days immediately preceding the issue of the license, had his or her usual place of abode within Ontario; 1916, c. 32, s. 4.

Age.

- (d) the age of the deponent, and that the other contracting party is of the full age of eighteen years, or the age of such other contracting party, if under the age of eighteen years, as the case may be. R.S.O. 1914, c. 148, s. 19 (1) cl. (d).

Condition.

- (e) the condition in life of each of the parties, whether bachelor, widower, spinster, widow or divorcee; and R.S.O. 1914, c. 148, s. 19 (1) cl. (e). *Amended.*

Facts show-
ing whether
consent is
necessary.

- (f) the facts necessary to enable the issuer to judge whether or not the required consent has been duly given in the case of any party under the age of eighteen years, or whether or not such consent is necessary; R.S.O. 1914, c. 148, s. 19 (1), cl. (f).

Further
information

- (g) such information as shall be prescribed by Order-in-Council. 1921, c. 51, s. 8.

Where
parties have
not resided
in locality
of marriage
for fifteen
days.

- (2) If both of the parties have not, for the space of fifteen days immediately preceding the date of the affidavit, had their usual place of abode within Ontario, the license or certificate may be issued upon the applicant proving by the production of copies of a newspaper published in the municipality where the parties have had their usual place of abode, or if there is no such newspaper, a newspaper published as near to such municipality as may be, and containing notice of the intended marriage that such notice has been published once a week for three successive weeks immediately preceding the application for the license or certificate. 1916, c. 32, s. 5.

Special
action by
Provincial
Secretary
where pub-
lication has
not taken
place.

- (3) Upon the applicant for a license or certificate stating that no such advertisement, as required by subsection 2, has been published, the issuer may report the circumstances to the Provincial Secretary, who, if he is satisfied that the reason for having the marriage solemnized in the place mentioned in the affidavit is not in order to evade due publicity or for any other improper purpose, may in writing authorize the issue of the license or certificate, and in that case, a fee of \$5 shall be paid for such authorization in addition to the usual license fee. 1916, c. 32, s. 6; 1926, c. 43, s. 5 (1).

Other proofs
not dispense-
ed with.

- (4) Nothing in the next preceding two subsections shall dispense with the proofs required by subsection 1, except that of residence as set out in clause (c) of that subsection. R.S.O. 1914, c. 148, s. 19 (4).

(5) In addition to the proofs required by subsection 1 at the time of the application for a license or certificate there shall be produced and filed with the issuer,^{Documents to be filed with issuer.}

(a) a copy of the registration of birth of the other party to the marriage certified by the Registrar General or other proper officer in this behalf; or

(b) an affidavit made by,—

(i) such other party to the marriage; or

(ii) by some person being a member of his or her family and having personal knowledge of the facts,

stating the age, date and place of birth of such other party; provided that where such affidavit is made by such other party to the marriage it shall be sufficient to state the age, date and place of birth of such other party, according to the best of his knowledge, information and belief.

(6) Where both the parties to the intended marriage attend before the issuer and each of them makes the affidavit required in subsection 1, the issuer may in his discretion dispense with the proof required by subsection 5. 1926, c. 43, s. 5 (2). *Amended.*

24.—(1) The affidavit required by subsection 1 of section 23, together with a statement, Form 5, showing the degrees of affinity and consanguinity which bar or hinder the solemnization of marriage, and such extracts from this Act as are necessary to show what persons are authorized to solemnize marriage in Ontario or an epitome of such extracts shall be printed upon the back or elsewhere on each license or certificate, and no license or certificate which has not such memorandum printed thereon, shall be issued. R.S.O. 1914, c. 148, s. 20 (1). *Amended.*

(2) If at any time hereafter changes are made in the law affecting the degrees of relationship within which marriage may not be lawfully contracted, the Lieutenant-Governor in Council may direct such changes to be made in Form 5, so as to make it conformable to the law for the time being. R.S.O. 1914, c. 148, s. 20 (4).

LICENSE NOT TO BE ISSUED IN CERTAIN CASES.

25. Where the person having authority to issue the license or certificate has personal knowledge that the facts^{When Issuer has personal knowledge that proper consent not obtained.} are

are not as required by section 18, he shall not issue the license or certificate; and if he has reason to believe or suspect that the facts are not as so required, he shall, before issuing the license or certificate, require further evidence to his satisfaction in addition to the affidavit prescribed by section 23. R.S.O. 1914, c. 148, s. 21 (1).

Particulars
to be sent to
Registrar-
General.

26. Every issuer of marriage licenses shall, immediately upon issuing a marriage license or certificate, fill up on a form such of the particulars contained in Form 4 as he is able to give, and shall forward the same, together with the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 18 and the birth certificate or affidavit required by subsection 5 of section 23, and any further evidence obtained under the provisions of section 25, forthwith to the Registrar-General. R.S.O. 1914, c. 148, s. 22.

Marriage
not to be
performed
within three
days of date
of license.

27.—(1) Every license shall be dated and every person who solemnizes a marriage under the authority of such license earlier than the third day after the day of the date of such license shall be guilty of an offense and shall incur a penalty of not more than \$100; provided, however, that the Provincial Secretary in his absolute discretion may authorize the solemnization of marriage earlier than such third day in which case there shall be no penalty hereunder.

Exception.

(2) Nothing in subsection 1 shall apply to or affect the solemnization of any marriage under the authority of a license issued under section 20 of this Act.

Consent
of Attorney-
General to
prosecution.

(3) No prosecutions shall take place under this section, except with the approval of the Attorney-General. 1925, c. 45, s. 4; 1926, c. 43, s. 6. *Amended.*

Fee for
license or
certificate.

28.—(1) No fee shall be payable for a license or certificate except the sum of \$5, of which sum \$4 shall be remitted by the issuer to the Treasurer of Ontario and the sum of \$1 shall be allowed to the said issuer, which he shall be entitled to retain for his own use, unless and until the council of the municipality shall commute the said allowance for a fixed sum, payable annually by the municipality to the issuer and thereafter the aforesaid allowance on the issue of each license or certificate shall belong to the municipality.

Disagree-
ment as
to commu-
tation.

(2) When the council and the issuer do not agree upon the amount of the said commutation to be fixed, such amount may be fixed by the county judge, but in no case shall such amount exceed the sum of \$2,000. 1921, c. 51, s. 9. *Amended.*

MARRIAGE OUT OF CHURCH VALID.

Objections
in grounds
of place or
hour of
marriage

29. It shall not be a valid objection to the legality of a marriage that the same was not solemnized in a consecrated

church

church or chapel or within any particular hours. R.S.O. 1914, c. 148, s. 25.

MARRIAGE CERTIFICATES.

30. Every clergyman, minister or other person who solemnizes a marriage, and the clerk or secretary of a society of Quakers, or of the meeting at which the marriage is solemnized, shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage under his hand, specifying the names of the persons married, the time of the marriage, and the names of two or more persons who witnessed it, and specifying also whether the marriage was solemnized pursuant to license or certificate under this Act, or after proclamation of intention to intermarry; and the clergyman, minister, clerk or secretary may demand twenty-five cents for a certificate given by him. R.S.O. 1914, c. 148, s. 26.

REGISTRATION OF MARRIAGES.

31. Every clergyman, minister or other person authorized to solemnize marriage shall, immediately after he has solemnized a marriage, enter in a register to be kept by him for the purpose, unless a similar register is kept in the church at which he officiates, in which case the entries shall be made in that book, the particulars mentioned in Form 4, and shall authenticate the same by his signature. R.S.O. 1914, c. 148, s. 27.

32.—(1) Every clergyman, minister or other person authorized to solemnize marriage, where a marriage register is not already possessed by any church or congregation over which he is placed or has charge, shall make application for a register to the clerk of the local municipality within which the church or congregation is situate, and the clerk shall thereupon supply such register at the cost of the municipality.

(2) One additional register may be supplied, at the cost of the municipality, to any clergyman, minister or other person authorized to solemnize marriage, and a register shall also, on application, be supplied at the like cost to any clergyman or minister in the municipality who is not in charge of a church or congregation.

(3) Every clergyman or minister in charge of a church or congregation in an unorganized township shall, upon a written application to be made by him to the Registrar-General, receive a register to be supplied by the Registrar-General. R.S.O. 1914, c. 148, s. 28.

(As

(As to returns to be made, see The Vital Statistics Act.)

Property in
Registers.

33. The register, by whomsoever furnished, shall be the property of the denomination or body to which the clergyman, minister or other person to whom it is delivered belongs at the time of the delivery thereof, and where he is in charge of a particular congregation of such denomination, it shall belong to the trustees or other body in which the property of the church or meeting house used by such congregation for its ordinary services is vested. R.S.O. 1914, c. 148, s. 29.

Marriages to
be deemed
valid if in
good faith
and intended
to be in
compliance
with Act.

34. Every marriage solemnized in good faith and intended to be in compliance with this Act between persons not under a legal disqualification to contract such marriage shall be deemed a valid marriage so far as respects the civil rights in Ontario of the parties or their issue, and in respect of all matters within the jurisdiction of this Legislature, notwithstanding that the clergyman, minister or other person who solemnized the marriage was not duly authorized to solemnize marriage, and notwithstanding any irregularity or insufficiency in the proclamation of intention to intermarry or in the issue of the license or certificate, or notwithstanding the entire absence of both; provided that the parties, after such solemnization, lived together and cohabited as man and wife. R.S.O. 1914, c. 148, s. 35. *Amended.*

Proviso.

SUPREME COURT MAY DECLARE CERTAIN MARRIAGES INVALID

Declaration
of nullity of
marriage.

35.—(1) Where a form of marriage is gone through between persons either of whom is under the age of eighteen years without the consent of the father, mother or guardian of such person, when such consent is required by the provisions of this Act, in the case of a license, or where, without a similar consent in fact, such form of marriage is gone through between such persons after a proclamation of their intention to intermarry, such form of marriage shall be void and the Supreme Court shall have jurisdiction and power to entertain an action by the person who was at the time of the ceremony under the age of eighteen years, to declare and adjudge that a valid marriage was not effected or entered into, and shall so declare and adjudge if it is made to appear that the marriage has not been consummated and that such persons have not, after the ceremony, cohabited and lived together as man and wife, and that the action is brought before the person bringing it has attained the age of nineteen years.

Proviso.

When Court
not bound to
grant relief.

(2) The Court shall not declare a marriage void where carnal intercourse has taken place between the parties before the ceremony. R.S.O. 1914, c. 148, s. 36; 1919, c. 35, s. 4. *Amended.*

36.—(1) No declaration that a valid marriage was not effected or entered into shall in any case be made upon consent of parties, admissions, or in default of appearance or of pleading or otherwise than after a trial.

(2) At every such trial the evidence shall be taken *viva voce* in open court, but nothing in this subsection shall prevent the use of the depositions of witnesses residing out of Ontario or of witnesses examined *de bene esse*, where, according to the practice of the Court, such depositions may be read in evidence.

(3) The Court may require both or either of the parties to be examined before the Court touching the matters in question in the action, and may require either party to submit to physical examination by a duly qualified medical practitioner to be appointed by the Court.

(4) The Attorney-General of Ontario shall be made a party defendant in any such action. R.S.O. 1914, c. 148, General s. 37. *Amended.*

PENAL PROVISIONS.

37.—(1) Every person who wilfully makes or causes to be made a false statement touching the particulars required to be recorded or reported under this Act, shall incur a penalty of \$50.

(2) Every person guilty of an act or omission in violation of any provision of this Act, for which no other penalty is provided, shall incur a penalty of \$20.

(3) Every prosecution for a penalty imposed by or under the authority of this Act shall be commenced within one year after the act or omission complained of.

(4) No prosecution for a penalty imposed by or under the authority of this Act shall be brought without the permission of the Attorney-General. 1916, c. 32, s. 8. *Amended.*

38. The following Acts and parts of Acts are repealed:—*Repeal.*

R.S.O. 1914, Chapter 148—The whole, except sections 31 to 34, inclusive.

1914, Chapter 21—Section 33.

1916, Chapter 32—The whole.

1919, Chapter 35—The whole, except section 6.

1921, Chapter 51—The whole.

1925, Chapter 45—The whole.

1926, Chapter 43—The whole.

39. This Act shall come into force on the day upon which it receives the Royal Assent. *Commencement of Act.*

FORM 1.

(Section 5.)

CERTIFICATE OF PROCLAMATION OF INTENTION TO INTERMARRY.

I hereby certify that on Sunday, the day of
 19 , the intention of A.B., of , (*state residence*) and C.D.,
 of (*state residence*) to intermarry was duly proclaimed by
 me in Church, being the church in the
 (*state name of township or other local municipality or parish, circuit or pastoral charge*). I further certify that I verily believe the said A.B.
 (or C.D.) had his (or her) usual place of abode in the said
 (*township or other local municipality or parish, circuit or pastoral charge*);
 for the space of fifteen days immediately preceding the said Sunday.

Dated this day of , 19 .

, Minister of Church.

R.S.O. 1914, c. 148, Form 1.

FORM 2.

(Section 8.)

CERTIFICATE BEFORE MARRIAGE WITHOUT PROCLAMATION.

These are to certify that A.B., of and C.D., of
 being minded, as it is said, to enter into the contract of marriage, and
 being desirous of having the same duly solemnized, the said A.B. (or
 C.D.) has made oath, as required by law:—

1. That he (or she) believes that there is no affinity, consanguinity, prior marriage, or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage;

2. That said A.B. (or C.D. or both, as the case may be), has, (or have) had his (or her, or their) usual place of abode, for the space of fifteen days last past, within the city (county or district) of namely, in the township (town or village) of in the said county (or district) of ;

3. That the said A.B. and C.D. are of the full age of eighteen years;

[Or that A.B. or C.D. is a widower or widow; or is under the age of eighteen years, and that the consent of E.D., whose consent to said marriage is required by law, has been obtained; or that the father of the said (party under age) is dead, and no guardian of the person of the said (party) has been appointed, and the mother of the said (party) is dead and there is no person having authority to give consent to said marriage (as the case may be).]

These are therefore to certify that the requirements of *The Marriage Act* have been complied with and such marriage may be solemnized in the County of (naming the county or district within which it is intended that the marriage shall be solemnized).

Given under my hand and seal at this day of 19 .
 G.H.

Issuer (or Deputy-issuer) of Licenses.

Issued from the Office of the Provincial Secretary for the Province of Ontario this day of 19 .

K.L.
 Provincial Secretary.

R.S.O. 1914, c. 148, Form 2.

FORM 3.

AFFIDAVIT REQUIRED BY PROVISION OF THE MARRIAGE ACT BEFORE LICENSE IS GRANTED,

I CERTIFY that I solemnized the marriage of:-
 Bridegroom..... and
 Bride..... (*in the presence of*)
 Witness..... and
 Witness..... and
 Address.....
 in the..... of..... in the
 County of..... ONTARIO
 on the..... day of..... 192....

Name of
 Bridegroom's Father.....
 Maiden Name of
 Bridegroom's Mother.....
 Name of
 Bride's Father.....
 Maiden Name of
 Bride's Mother.....

Names in full.....
 Occupation.....
 Age and Condition in Life.....

Age.....
 Bachelor, Widower or Divorcer.....

Religious Denomination.....
 Residence when Married.....
 Place of Birth.....
 Intended Place of Marriage.....

Sworn before me at the
 No..... of.....
 in the County of.....
 this..... day of..... 192....

(Registration Certificate Number and Signature of
 person solemnizing Marriage)
 Address.....
 Denomination.....

(Signature of Deponent)

(Signature of Issuer)

New

FORM 4.

(Section 31.)

REGISTER OF MARRIAGES.

		BRIDE GROOM.
His name.		
Age.		
Residence when married.		
Place of birth. Bachelor, Widower or Divorcee. (B., W. or D.)		
Occupation. Religious Denomination of Bridegroom.		
Names of Parents.		
BRIDE.		
Her name.		
Age.		
Residence when married.		
Place of birth. Spinster, Widow or Divorcee. (S., W. or D.)		
Religious Denomination of Bride.		
Names of Parents.		
Whether Married by Li- cense or Banns (L. or B.)		
SIGNATURES of Bridegroom		
of Bride		
of Witnesses		
Residence		
Residence		

I certify the above-named parties were married by me at
 , in the County of , this day of
 19 .

Minister of, etc.
 R.S.O. 1914, c. 148, Form 4.

FORM 5.

(Section 24.)

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
†5. Uncle's wife
6. Wife's aunt
7. Mother
8. Step mother
9. Wife's mother
10. Daughter
11. Wife's daughter
12. Son's wife
13. Sister
14. Granddaughter
15. Grandson's wife
16. Wife's granddaughter
17. Niece
18. Nephew's wife
19. Wife's niece*
- †20. Brother's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Aunt's husband*
6. Husband's uncle
7. Father
8. Step father
9. Husband's father
10. Son
11. Husband's son
12. Daughter's husband
13. Brother
14. Grandson
15. Granddaughter's husband
16. Husband's grandson
17. Nephew
18. Niece's husband
- †19. Husband's nephew
- †20. Husband's brother

The relationships set forth in this table include all such relationships, whether by the whole or half blood, and whether legitimate or illegitimate.

*By the Revised Statutes of Canada, 1906, c. 105, s. 2, it is enacted that "A marriage is not invalid merely because the woman is a sister of a deceased wife, or a daughter of a sister of a deceased wife of the man."

†By 13-14 Geo. V, c. 19, s. 3, Canada it is enacted that "A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or is a son of such brother."

R.S.O. 1914, c. 148, Form 5. *Amended.*

CHAPTER 48.

An Act respecting the Maintenance of Deserted Wives and Children.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Deserted Wives' and Children's Maintenance Act, 1927.*

Order for maintenance of wife. 2.—(1) Where a wife has been deserted by her husband an information may be laid before a police magistrate having jurisdiction where the parties last resided together or where her husband then resides, who shall issue a summons against the husband in accordance with the form in the schedule to this Act and if upon the hearing it appears that the husband has deserted his wife without having made adequate provision for her maintenance and the maintenance of any of his children residing with her and that he is able to maintain them in whole or in part and he neglects or refuses so to do, the magistrate may order him to pay such weekly sum, not exceeding \$20, as may be deemed proper having regard to all the circumstances of the case and such order may be in the form given in the schedule to this Act. *New.*

Desertion of wife. (2) A married woman shall be deemed to have been deserted within the meaning of this section when she is living apart from her husband because of his acts of cruelty, or of his refusal or neglect, without sufficient cause, to supply her with food and other necessaries when able so to do. 1922, c. 57, s. 2 (2).

Cases of adultery. (3) No order shall be made in favour of a wife who is proved to have committed adultery unless the adultery has been condoned, and any order may be rescinded upon proof that the wife, since the making thereof, has been guilty of adultery if it has not been condoned. 1922, c. 57, s. 2 (3). *Amended.*

Effect of finding of adultery. (4) A finding by the magistrate that adultery has been proved shall not be evidence of the adultery in any other proceedings. 1922, c. 57, s. 2 (4). *Amended.*

3. (1) A father who has deserted his child may be summoned before a police magistrate or a judge of a juvenile court having jurisdiction where the father or the child then resides, who, if satisfied that such father has wilfully refused or neglected to maintain the child and has deserted the child, may order that the father shall pay to such person such weekly sum, not exceeding \$20, with or without costs, as may by order be directed for the support of such child, as the magistrate or the judge may consider proper, having regard to the means of the father and to any means the child may have for his support. 1922, c. 57, s. 3 (1); 1923, c. 32, s. 2. *Amended.*

Order for
maintenance
of
juvenile
child.

(2) A child shall be deemed to have been deserted by his father, within the meaning of this section, when the child is under the age of sixteen years and when the father has, without adequate cause, refused or neglected to supply such child with food or other necessities when able so to do. 1922, c. 57, s. 3 (2). *Amended.*

When child
deemed to
have been
deserted.

4. A complaint under this Act may be laid by a deserted wife or child or by a person having the care and custody of a deserted child or with the consent of the Crown attorney by any other person. 1922, c. 57, s. 4.

Who may
lay com-
plaint.

5. The judge or magistrate may in any order set a time limit, not exceeding thirty days, within which each sum of money ordered to be paid and the costs shall be paid. 1922, c. 57, s. 5 (1). *Part.*

Time limit.

6. Upon proof that the circumstances of any of the parties have changed since the making of any former order, any order may be varied, or at the instance of either party on notice to the other an application may at any time be reheard, and any order may be confirmed, rescinded, or varied.

Varying
order or re-
hearing
applied to.

a) by the judge or magistrate who made the order, or,

(b) if such judge or magistrate be dead, ill, or absent from his territorial jurisdiction, by any other judge of the juvenile court or police magistrate whose jurisdiction in the same locality is such that an information similar to the original information, could be laid before him, or,

(c) in any case, by any judge of the juvenile court or police magistrate who has jurisdiction in the locality in which the person in whose favour the order is made resides. 1922, c. 57, ss. 6, 8. *Amended.*

**Application
may be
heard in
private.**

7. Any application may be heard by the judge or magistrate in private. 1922, c. 57, s. 7. *Amended.*

**Payment of
expenses.**

8. Where it is necessary to incur expense in serving a warrant or summons or in carrying out any of the provisions of this Act, and the complainant is unable to pay such expenses, they may be paid out of such sum as may be appropriated by the Legislature for that purpose. 1923, c. 32, s. 4.

*App. 1, sec.
c. 31.*

9.—(1) Save where otherwise provided proceedings under the provisions of this Act shall be in accordance with the provisions of *The Ontario Summary Convictions Act*, and any order for the payment of money made hereunder may be enforced as if it were an order or conviction made under the said Act but imprisonment shall only be ordered under subsection 2 hereof.

**Enforcement
of order.**

(2) Whenever default is made in the payment of any sum of money ordered to be paid the judge of the juvenile court or police magistrate who made the order, or, any other judge of the juvenile court or police magistrate before whom an information similar to the original information could be laid, or any judge of the juvenile court or police magistrate who has jurisdiction in the locality in which the person in whose favour the order is made resides,—

**Pv
summons.**

(a) may from time to time summon the person in default to explain the default, and

**By warrant
to arrest.**

(b) may, where service of the summons has been proved, and the person summoned does not appear or sufficient reason for his absence is not given, or where it appears that the summons cannot be served or where an order of imprisonment has been made, issue a warrant for the arrest of such person, and

**By imprison-
ment.**

(c) may, when a warrant has been issued, or where the person in default fails to satisfy the magistrate that such default is due to inability to pay, order and adjudge such person to be imprisoned for a term not exceeding three months unless the sums of money payable under the order are sooner paid. 1922, c. 57, ss. 5, 10. *Amended.*

**Enforcement
of order
for payment
of money.**

10. Any order for payment of money may also be filed with the clerk of any division court and enforced by execution and by judgment summons as in the case of a judgment in the division court. *New.*

*1922, c. 57;
1923, c. 32,
re-en.*

11. *The Deserted Wives' and Children's Maintenance Act,* 1922, being chapter 57 of the statutes of 1922, and *The Deserted*

Wives' and Children's Maintenance Act, 1923, being chapter 32 of the statutes of 1923, are hereby repealed.

12. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE.

THE DESERTED WIVES' AND CHILDREN'S MAINTENANCE ACT, 1927.

SUMMONS.

(Referred to in section 2 (1)).

County (or District)
of

To A.B., of

Whereas application has this day been made by your wife (or child), C.B., to the undersigned Police Magistrate (or Justice of the Peace, as the case may be) for for a summons under *The Deserted Wives' and Children's Maintenance Act, 1927*, for that you have wilfully refused or neglected to maintain your said wife (or your wife and family, as the case may be) or your child, and have deserted your said wife or child. These are, therefore, to command you to appear before the undersigned or such police magistrate or justices as may then and there be present in my (or our) stead, at on the day after the service hereof, at the hour of in the noon, to show cause why an order should not be made against you, to pay to your said wife for her support (or for the support of her and your family, as the case may be, or to your child for his support), such weekly sum not exceeding \$20 as may be considered to be in accordance with your means and with the means of your said wife (or child).

Given under hand and seal J.S. day of 19 .
(L.S.)

THE DESERTED WIVES AND CHILDREN'S MAINTENANCE ACT, 1927.

ORDER

(Referred to in Section 2 (1))

County (or District)

of

Upon reading the summons dated the day of 19 , issued by , Police Magistrate for the (or Justices of the Peace for),

upon the application of C.B., wife or child of A.B., under the provisions of *The Deserted Wives' and Children's Maintenance Act, 1927*, and upon hearing all the parties (or, as the case may be), and the evidence adduced, and it appearing that the said C.B. is entitled to the benefit of the said Act; I (or we), the undersigned, do hereby order that the said A.B. do pay hereafter to his said wife, or her agent (or his child or his child's agent), authorized in writing, at , the sum of \$ per week for her support (or for the support of her and the family of the said A.B. or for support of the child), the first weekly payment to be made on the day of 19 , together with the costs of these proceedings, which amount to \$, which shall be paid on or before the day of , 19 .

Given under hand and seal J. S. day of 19 .
(L.S.)

CHAPTER 49.

An Act to provide for the Maintenance of Parents by their Children.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Parents Maintenance Act, 1927.*

Liability of child.

2.—(1) A son or daughter shall be liable for the support of his or her dependent parent to the extent hereinafter mentioned.

(2) A parent shall be deemed to be dependent, where by reason of age, disease, or infirmity he is unable to maintain himself. 1921, c. 52, s. 2.

Summons and order for maintenance.

3.—(1) A dependent parent, or any other person with the consent in writing of the Crown Attorney, may lay an information before a police magistrate where such parent, or any son or daughter resides, who shall issue a summons, in accordance with the form in the schedule hereto, and if upon the hearing it appears that the parent is dependent and that such son or daughter has sufficient means to provide in whole or in part for such parent, the magistrate, having regard to the whole circumstances of the case may order that such son or daughter shall pay for the support of such parent, a weekly sum of money not exceeding \$20, with or without costs, and such order may be in the form in the schedule hereto. 1921, c. 52, s. 3 (1). *Amended.*

Power not affected by maintenance of parent by charity.

(2) An order may be made under the provisions of this Act although the dependent parent is being cared for in any sanatorium, home, asylum, or other eleemosynary institution. 1921, c. 52, s. 3 (2).

Summoning more than one child.

(3) Where there are several children the magistrate may require the summons to be served upon others not already

summoned

summoned and may order such of them as ought, in his opinion, to contribute to the support of the parent, to share in the payments ordered and shall apportion the sum to be paid among the children having due regard to their ability and obligations. *New.*

(4) The police magistrate may in any order set a time limit, Time limit, not exceeding thirty days, within which each sum of money ordered to be paid and the costs shall be paid. 1921, c. 52, s. 4. *Part.*

4. Upon proof that the circumstances of any of the parties have changed since the making of any former order, any order may be varied, or at the instance of either party on notice to the other an application may at any time be reheard, and any order may be confirmed, rescinded, or varied, Varying order or re-hearing application

(a) by the magistrate who made the order, or,

(b) if such magistrate be dead, ill, or absent from his territorial jurisdiction, by any other police magistrate whose jurisdiction in the same locality is such that an information similar to the original information could be laid before him, or,

(c) in any case, by any police magistrate who has jurisdiction in the locality in which the person in whose favour the order is made resides. 1921, c. 52, s. 7. *Amended.*

5.—(1) Save where otherwise provided proceedings under Application of 1926, the provisions of this Act shall be in accordance with the provisions of *The Ontario Summary Conviction Act*, and any order for the payment of money made hereunder may be enforced as if it were an order or conviction made under the said Act but imprisonment shall only be ordered under subsection 2 hereof.

(2) Whenever default is made in the payment of any sum of money ordered to be paid the police magistrate who made the order, or, any other police magistrate before whom an information similar to the original information could be laid, or any police magistrate who has jurisdiction in the locality in which the person in whose favour the order is made resides,— Enforcement of order.

(a) may from time to time summon the person in default By summons. to explain the default, and

(b) may, where service of the summons has been proved, By warrant to arrest. and the person summoned does not appear or

sufficient

sufficient reason for his absence is not given, or where it appears that the summons cannot be served or where an order of imprisonment has been made, issue a warrant for the arrest of such person, and

By imprisonment.

- (c) may, when a warrant has been issued, or where the person in default fails to satisfy the magistrate that such default is due to inability to pay, order and adjudge such person to be imprisoned for a term not exceeding three months unless the sums of money payable under the order are sooner paid. 1921, c. 52, ss. 4, 5, 6 and 8. *Amended.*

Filing of order.

6. An order for payment of money made under this Act may also be filed with the clerk of any division court and enforced by execution and by judgment summons as in the case of a judgment in the division court. *New.*

1921, c. 52,
repealed.

7. *The Parents' Maintenance Act, 1921*, being chapter 52 of the statutes of 1921, is hereby repealed.

Commencement of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE

THE PARENTS' MAINTENANCE ACT, 1927.

SUMMONS

(Referred to in section 3 (1)).

To.....

Of.....

City
District } Of.....
County

Whereas an application has this day been made by.....
.....on behalf of.....
.....to the undersigned police magistrate, or justices
of the peace for a summons under *The Parents Maintenance Act, 1927*.

These are, therefore, lawful to command you to appear before the undersigned, or such police magistrate or justices of the peace as may be then and there present in my, or our, stead at.....
.....on the.....day after the service thereof, at the hour of.....in the.....noon, to show cause why an order should not be made against you, to pay to the support of your.....such weekly sum not exceeding twenty dollars (\$20) as may be considered to be in accordance with your means and with the means of your said.....and with the means of your said family, if any.

Given under.....land
and seal this.....
.....day of.....19.....

THE PARENTS MAINTENANCE ACT, 1927.

ORDER.

(Referred to in section 3 (1)).

To.....

Of.....

City
District } Of.....
County }

Upon reading the summons dated the..... day of..... 19..... issued by..... police magistrate for..... or justices of the peace for..... upon the application of..... under the provisions of *The Parents Maintenance Act, 1927*, and upon hearing all the parties thereto, and the evidence adduced, and it appearing that the said..... is entitled to the protection and benefit of the said Act:

I, or we, the undersigned, do hereby order that the said..... does hereafter pay to his, or her..... the sum of \$..... per week, or month, for his, or her, support, the first payment to be made on the day of..... 19..... together with the costs of these proceedings, which amount to \$..... which shall be paid on or before the..... day of..... 19....

Given under..... hand
and seal this..... day of..... 19.....

CHAPTER 50.

An Act respecting Infants.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Infants Act, 1927.*

CUSTODY OF INFANTS.

Orders as to custody of infant, at the instance of mother. 2.—(1) The Supreme Court or the surrogate court of the county or district in which the infant resides, upon the application of the father or of the mother of an infant, who may apply without a next friend, may make such order as the court sees fit regarding the custody of the infant and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian appointed under this Act, and in every case may make such order respecting the costs of the mother and the liability of the father for the same, or otherwise, as the court may deem just. R.S.O. 1914, c. 153, s. 2 (1); 1923, c. 33, s. 2 (1). *Amended.*

Order as to maintenance. (2) The court may also make an order for the maintenance of the infant by payment by the father, or out of any estate to which the infant is entitled, of such sum from time to time as, according to the pecuniary circumstances of the father or the value of the estate, the court deems reasonable. R.S.O. 1914, c. 153, s. 2 (2).

Father and mother to be joint guardians. 3.—(1) Unless otherwise ordered by the court, and subject to the provisions of this Act, the father and mother of an infant shall be joint guardians and shall be equally entitled to the custody, control and education of such infant.

(2) Where the parents are not living together or where the parents are divorced or judicially separated, they may enter

into

into a written agreement as to which parent shall have the custody, control and education of such infant, and in the event of the parents failing to agree either parent may apply to the court for its decision. 1923, c. 33, s. 3.

4. In questions relating to the custody and education of infants the rules of equity shall prevail. R.S.O. 1914, c. 153, s. 4.

INFANT'S REAL ESTATE.

5.—(1) Where an infant is seised, possessed of or entitled to any real estate in fee or for a term of years, or otherwise, and the Supreme Court is of opinion that a sale, mortgage, lease or other disposition of the same, or of a part thereof, or of any timber, not being ornamental, growing thereon, is necessary or proper for the maintenance or education of the infant, or that for any cause his interest requires or will be substantially promoted by such disposition, the court may order the sale, mortgage, or the letting for a term of years, or other disposition of such real estate, or any part thereof, to be made under the direction of the court or of one of its officers, or by the guardian of the infant, or by a person appointed for the purpose, in such manner and with such restrictions as may be deemed expedient, and may order the infant to convey the estate.

(2) No sale, mortgage, lease, or other disposition shall be made contrary to the provisions of a will or conveyance by which the estate has been devised or granted to the infant or for his use. R.S.O. 1914, c. 153, s. 5.

(3) The court, if it is of opinion that such course is for the benefit of the infant or that his interest requires it or will be substantially promoted thereby, may from time to time authorize the exchange of any lands held in fee or for a term of years or otherwise by such infant, and which are unproductive, for lands which are productive, but no such exchange of lands shall be made contrary to the provisions of a will or conveyance.

(4) Every exchange of lands made pursuant to subsection 3 shall be conducted and confirmed in such manner as is required by the Rules and Practice of the Supreme Court in the case of the sale or other disposition of the lands of infants. 1915, c. 20, s. 16.

6. The Supreme Court may sanction the surrender of any lease to which an infant is entitled and if deemed expedient the acceptance of a new lease in lieu thereof. *New.*

Renewal
of lease.

7. Where an infant is entitled to lands subject to a lease containing a covenant for renewal the Supreme Court may sanction the execution of a new lease in accordance with the provisions of the covenant or with such modification as may be deemed expedient. *New.*

Validity of
dispositions
Imp. Act.
11 Geo. IV,
and 1 Wm.
IV, c. 65,
s. 31.

8. Every surrender and lease made or accepted by virtue of this Act shall be deemed to be as valid and effectual as if the person by whom or in whose place the same was made or accepted had been of full age and had made or accepted the same. R.S.O. 1914, c. 153, s. 12.

When a
substitute
may be
appointed
to convey.

9. Where it is deemed convenient the court may direct some other person to execute any conveyance, mortgage, lease or other document in the place of the infant and every such conveyance, mortgage, lease or other document whether executed by the infant or by such other person, shall be as effectual as if the infant had executed the same, and had been of the age of twenty-one years at the time. R.S.O. 1914, c. 153, ss. 14, 15. *Amended.*

Validity
of such con-
veyance.

10. Where an infant is seised of the reversion of land subject to a lease, and such lease contains a covenant not to assign or sublet without leave, the Supreme Court may, on behalf of the infant, consent to any assignment or transfer of such leasehold interest in the same manner and with the like effect as if the consent were given by a lessor under no such disability. R.S.O. 1914, c. 153, s. 18. *Amended.*

Compens-
ation to
owners of
particular
estates.

11. If any real estate of an infant is subject to dower, and the person entitled to dower consents in writing to accept in lieu of dower a gross sum which the court deems reasonable, or the permanent investment of a reasonable sum in such manner that the interest thereof be made payable to the person entitled to dower during her life, the court may direct the payment of such sum in gross out of the purchase money to the person entitled to dower, as upon the principles applicable to life annuities may be deemed a reasonable satisfaction for such dower; or may direct the payment to the person entitled to dower of an annual sum or of the income or interest to be derived from the purchase money, or any part thereof, as may seem just, and for that purpose may make such order for the investment or other disposition of the purchase money, or any part thereof, as may be necessary. R.S.O. 1914, c. 153, s. 19.

(As to conveyance by infants where land is sold by direction of the court for payment of debts of ancestor, see *The Trustee Act, 1926, c. 40.*)

12. Where, by a will or other instrument, property is given beneficially to any person for his life with a power of devising or appointing the same by will in favour of his children, or of one or more of them, the Supreme Court may, on the application, or with the consent of the tenant for life, order that such portion of the proceeds of the property, as it may deem proper, shall be applied towards the maintenance or education of any infant child in whose favour the power might be exercised, notwithstanding that there is a gift over in the event of there being no children to take under the power, or that there is a right conferred upon the tenant for life or upon some other person in such event to make a disposition of the property in favour of some person other than such children. R.S.O. 1914, c. 153, s. 20 (1).

13.—(1) The Supreme Court may order and direct the sale of any personal property of an infant including any stock or bonds to which he is entitled and may direct any money belonging to an infant and all or any part of the dividends in respect of such stock or bonds to be paid for the maintenance and education or otherwise for the benefit of the infant, and payment in accordance with the order of the court shall operate as full release and discharge from all liability with respect to the money paid, and any transfer of any stock or bonds so sold shall be made in such manner as the court may direct. R.S.O. 1914, c. 153, s. 21 (1). *Amended.*

(2) The order shall be a full and complete indemnity and discharge to all banks, companies and societies and their officers and servants for all acts and things done, or permitted to be done, pursuant thereto. R.S.O. 1914, c. 153, s. 21 (4). *Amended.*

MARRIAGE SETTLEMENTS OF INFANTS.

14.—(1) Every infant upon or in contemplation of his marriage, with the sanction of the Supreme Court, may make a valid and binding settlement or contract for a settlement of all or any part of his property, or property over which he has a power of appointment, whether real or personal and whether in possession, reversion, remainder or expectancy, and every conveyance, appointment and assignment of such property, or contract to make a conveyance, appointment or assignment thereof, executed by such infant with the approbation of the court for the purpose of giving effect to such settlement, shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

(2) This section shall not extend to a power which it is expressly declared shall not be exercised by an infant. R.S.O. 1914, c. 153, s. 22.

How
sanction of
the court to
be given.
Imp. Act.
18 and 19
Vict., c. 43,
s. 2.

If infant dies
under age,
appointment
or disentail-
ing deed to
be void.
Imp. Act.
18 and 19
Vict., c. 43,
s. 2.

Case of
males under
20 or females
under 17.
Imp. Act.
18 and 19
Vict., c. 43,
s. 4.

Appoint-
ment of
surrogate
court.

When
infant's con-
sent neces-
sary.

Where no
father or
guardian of
infant does
not consent.

Letters of
guardianship
to have effect
throughout
Ontario.

(3) The court may also require that any person interested or appearing to be interested in the property shall be served with notice of the application. R.S.O. 1914, c. 153, s. 24. *Amended.*

15. Where an appointment, under a power of appointment, or a disentailing assurance has been executed by an infant tenant in tail, under the provisions of the next preceding section, and the infant afterwards dies under age such appointment or disentailing assurance shall thereupon become absolutely void. R.S.O. 1914, c. 153, s. 23.

16. Nothing in the two next preceding sections shall apply to a male infant under the age of twenty years or to a female infant under the age of seventeen years. R.S.O. 1914, c. 153, s. 25.

GUARDIANS.

17.—(1) The surrogate court of the county or district in which the infant resides may appoint the father or mother of the infant, or may, with the consent of the father and the mother or of the surviving parent, appoint some other suitable person or persons to be the guardian or guardians of the infant, but if the infant is of the age of fourteen years no such appointment shall be made without his consent. R.S.O. 1914, c. 153, s. 26 (1); 1923, c. 33, s. 4. *Amended.*

(2) If the infant has no parent living or any guardian authorized by law to take the care of his person and the charge of his estate, if any, or if he is of the age of fourteen years and does not give the consent mentioned in the next preceding subsection, upon the written application of the infant, or of any friend of the infant residing within the jurisdiction of the surrogate court to which the application is made, and after proof of twenty days' public notice of the application in some newspaper published within the county or district to the surrogate court of which the application is made, the court may appoint some suitable and discreet person or persons to be guardian or guardians of the infant, whether the infant is or is not entitled to any property. R.S.O. 1914, c. 153, s. 26 (2); 1923, c. 33, s. 5.

(3) Letters of guardianship granted by a surrogate court shall have force and effect in all parts of Ontario; and an official certificate of the grant may be obtained as in the case of letters of administration. R.S.O. 1914, c. 153, s. 26 (3).

18. Subject to the provisions of *The Guarantee Companies Securities Act* and of *The Ontario Companies Act* the court shall take from every guardian, appointed under section 17,

a bond in the name of the infant, in such penal sum and with such sureties as the judge approves, conditioned that the guardian will faithfully perform his trust, and that he, or his executors or administrators will, when the infant becomes of the full age of twenty-one years, or whenever the guardianship is determined, or sooner if thereto required by law, render a true and just account of all goods, money, interest, rents, profits or other estate of the infant, which shall have come into the hands of the guardian, and will thereupon without delay deliver and pay over to the infant, or to his executors or administrators, the estate or the sum which may be in the hands of the guardian belonging to the infant, deducting therefrom and retaining a reasonable sum for the expenses and charges of the guardian; and the bond shall be recorded by the registrar of the court in the books of his office. R.S.O. 1914, c. 153, s. 27.

(*As to appointment of trust company as guardian, see The Loan and Trust Corporations Act. R.S.O. 1914, c. 184.*)

19.—(1) Testamentary guardians and guardians appointed or constituted by virtue of this Act shall be removable by the Supreme Court, or by the surrogate court for the same causes for which trustees are removable. Removal of guardians.

(2) Any such guardian may, by leave of the court, resign his office upon such terms and conditions as may be deemed just. R.S.O. 1914, c. 153, s. 29.

20. A return of every appointment and removal or resignation of a guardian shall be made by the registrar of the court to the surrogate clerk in like manner as is required by *The Surrogate Courts Act* in the case of grants of probate or administration. R.S.O. 1914, c. 153, s. 30. Returns respecting guardians to the court, Rev. Stat. c. 62.

AUTHORITY OF GUARDIANS.

21. Unless where the authority of a guardian appointed or constituted by virtue of this Act is otherwise limited the guardian so appointed or constituted during the continuance of his guardianship,— Guardian's authority.

(a) shall have authority to act for and on behalf of the infant; and To act for ward.

(b) shall have the charge and management of his estate, real and personal, and the custody of his person and the care of his education. R.S.O. 1914, c. 153, s. 32. To manage estate, etc.

Amended.

PRACTICE IN AND APPEALS FROM SURROGATE COURTS.

Appeal from order or judgment of surrogate court. **22.** An appeal shall lie from an order or judgment of a surrogate court under this Act to a divisional court. R.S.O. 1914, c. 153, s. 33. *Amended.*

Practice and procedure. **23.** The practice and procedure under *The Surrogate Courts Act* and Rules shall apply to proceedings in the surrogate court under this Act, and the power to make rules under that Act shall apply to proceedings under this Act. R.S.O. 1914, c. 153, s. 34.

GENERAL PROVISIONS.

Jurisdiction of Supreme Court not affected. **24.** Nothing in this Act shall deprive the Supreme Court of jurisdiction in matters provided for by this Act. R.S.O. 1914, c. 153, s. 35.

Religious education of infant. **25.** Nothing in this Act shall change the law as to the authority of the father in respect of the religious faith in which his child is to be educated. R.S.O. 1914, c. 153, s. 36.

Repeal. **26.** The following Acts and parts of Acts are repealed,—

R.S.O. 1914, Chapter 153—The whole.

1915, Chapter 20—Section 16.

1923, Chapter 33—The whole.

CHAPTER 51.

An Act for the Protection of the Children of
Unmarried Parents.*Assented to 5th April, 1927.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

*PART I.**Preliminary.*

1. This Act may be cited as *The Children of Unmarried Parents Act, 1927.* Short title.

2. In this Act,—

Interpreta-
tion.

- (a) "Judge" shall mean judge of the county or district "Judge." court or police magistrate or judge of the juvenile court where such police magistrate or judge of the juvenile court has been designated by the Lieutenant-Governor in Council a judge within the meaning of this Act;
- (b) "Provincial Officer" shall mean an officer in the "Provincial Officer." public service designated for that purpose by the Lieutenant-Governor in Council;
- (c) "Regulations" shall mean regulations made under "Regula-
tions." the authority of this Act. 1921, c. 54, s. 3.
Amended.

Provincial Officer—Duties and Powers.

3.—(1) The Lieutenant-Governor in Council may appoint Appoint-
such officers, clerks and servants and may employ such other ment of
assistance as he may deem necessary for the administration officers,
and enforcement of this Act, and may designate any of such clerks, etc.
officers a provincial officer for the purposes of this Act. 1921,
c. 54, s. 4.

(2) Any officer appointed under this section may take Officers
and receive such affidavit or statutory declaration as any may take
etc.
person desires to make in or concerning any matter arising
out of the administration of this Act.

Provincial officer to be notified of registration of all births out of wedlock.

4. The division registrar and the Deputy Registrar-General shall notify the provincial officer of the birth of every child born out of wedlock registered under *The Vital Statistics Act* and every birth registered under the said Act in such a manner as to suggest that the parents are unmarried or unknown, with such particulars as may be directed by the regulations. 1921, c. 54, s. 6.

Provincial officer to make investigations.

5. It shall be the duty of the provincial officer, by inquiry through children's aid societies and the returns furnished by the division registrar or Deputy Registrar-General, to obtain all information possible with respect to every child born out of wedlock, and the provincial officer shall take such proceedings and do all such things as are permitted or required under this Act as may seem to him advisable in the interest of such child. 1921, c. 54, s. 7.

Restrictions as to interference by provincial officer.

6. Nothing in this Act contained shall require the provincial officer to interfere with the care and maintenance of any child born out of wedlock,—

- (a) where such child has been adopted according to the provisions of *The Adoption Act*; or
- (b) where such child is being cared for voluntarily by a person or persons whom the provincial officer deems suitable to have the charge of such child.

1921, c. 54, s. 8.

Unmarried mother may apply to provincial officer for advice.

7. The mother of a child born out of wedlock or of a child who is likely to be born out of wedlock may apply to the provincial officer for advice and protection in any matter connected with such child or with the birth of such child, and the provincial officer shall take such action as may seem to him advisable in the interest of such mother and child. 1921, c. 54, s. 9.

Neglected child.

8. Where the father of a child born out of wedlock cannot be found or where adequate means of support cannot be provided by such father and the mother is dead, or is absent, or through lack of means is unable, or through misconduct is unfit to have the care of such child, the child may, with the consent of the provincial officer be dealt with as a "neglected child" within the meaning of *The Children's Protection Act, 1927*, and shall be maintained in accordance with the provisions of that Act. 1921, c. 54, s. 11.

Regulations.

9. The Lieutenant-Governor in Council may make regulations,—

- (a) respecting the procedure to be followed upon an application for an order of affiliation;

(b)

- (b) for fixing the fees, costs, charges and expenses payable on proceedings under this Act and for dispensing with the payment of such fees, costs, charges and expenses where owing to lack of means or any other reason the judge deems such action advisable;
- (c) for the payment of the expenses of the provincial officer in carrying out the provisions of this Act out of such sums as may be appropriated by the Legislature for that purpose;
- (d) for designating a provincial officer, and for the appointment of local and other assistants to the provincial officer, and for authorizing any such assistants to act for and in the place of the provincial officer;
- (e) generally for the better carrying out of the provisions of this Act. 1921, c. 54, s. 12.

PART II.

Affiliation Order

10. An application to the judge for an affiliation order ^{Application to judge.} may be made,—

- (a) by the mother of a child born out of wedlock; or, ^{Who may make application.}
- (b) by an unmarried woman pregnant with a child; or,
- (c) by the next friend or guardian of a child born out of wedlock; or
- (d) by any person who has supplied medical attendance or nursing or hospital accommodation to an unmarried woman during pregnancy or confinement; or
- (e) by a person who has the custody of a child born out of wedlock or who has undertaken the care and education of such child or who has supplied such child with necessities; or
- (f) by any person who has incurred the funeral expenses of an unmarried mother who has died in childbirth or in consequence of her pregnancy, or of a child born out of wedlock; or

(g)

(g) by the provincial officer. 1921, c. 54, s. 13.
Amended.

Limit of
time for
application.

11. An affiliation order shall not be made under this Act unless the application therefor is made within the lifetime of the father, and

- (a) within one year after the birth of the child; or
- (b) within one year after the doing of any act on the part of the putative father which affords evidence of acknowledgment of paternity; or
- (c) within one year after the return to Ontario of the putative father, where absent from Ontario at the expiration of the period of one year from the birth of the child.
- (d) within one year from making default under any agreement authorized by this Act. 1921, c. 54, s. 14. *Amended.*

Appoint-
ment for
hearing.

12. The judge shall, upon application, appoint in writing a time and place at which he will inquire and determine whether the person said to be the father of the child is in fact the father of such child. 1921, c. 54, s. 15.

Service of
appoint-
ment.

13.—(1) Notice in writing of the time and place appointed shall be served personally or in such other manner as the judge may direct upon the person said to be the father of the child at least three days before the day so appointed. 1921, c. 54, s. 16.

Arrest of
alleged
father who
may be
required to
give security
or be im-
prisoned.

(2) Where the judge is satisfied that there is good and probable cause for believing that the person said to be the father of the child is the father of the child and that such person, unless he be arrested is about to quit the territorial jurisdiction of the judge with the intention of avoiding service of the notice in writing referred to in subsection 1 or of evading his obligations in respect of the child and its mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of such person and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge shall direct and if such security is not given the judge may order such person to be imprisoned for any period not exceeding three months unless such security is sooner given, or such person has sooner complied with the condition so imposed. 1921, c. 54, s. 24. *Amended.*

14. If at the time and place appointed the person so served fails to appear or show sufficient reason for not attending, the judge, in the absence of such person and upon sufficient evidence being adduced before him, may make such affiliation order or other order as he may deem just. 1921, c. 54, s. 17.

15.—(1) Where the person so served appears in pursuance of such notice, the judge may hear and determine the matter in a summary manner and upon sufficient evidence being adduced before him may make an order declaring the person named therein to be the father of the child and requiring the father to pay to the provincial officer,—

- (a) the reasonable expenses for the maintenance and care, medical or otherwise, of the mother of such child during the three months next preceding the birth of the child, at the birth, and during such period after the birth as may in the opinion of the judge have been or be necessary in connection with, or as a consequence of the birth of such child, taking into consideration the circumstances of the case;
- (b) a sum of money weekly towards the maintenance of the child until the child attains the age of sixteen years, or a lump sum in lieu of such weekly payments which shall form a principal consuming annuity, the income from which shall be equivalent to the order for weekly maintenance by the court, the balance of which, in the event of the death of the child before the age of sixteen years, shall revert to the Province unless otherwise ordered by the court;
- (c) the expenses of the burial of the mother in case of her death at or in consequence of her pregnancy, or of the birth of the child;
- (d) the expenses of the burial of the child if he dies before the making of the affiliation order. 1921, c. 54, s. 18 (1). *Amended.*

(2) In estimating the sums payable by the father under this section, the judge shall take into consideration the ability to provide, and the prospective means of such father. 1921, c. 54, s. 18 (2).

16. The judge may in his discretion upon the same or a like application order that the mother of a child born out of wedlock shall contribute a weekly sum of money towards the maintenance of the child until such child reaches the age of sixteen years. 1921, c. 54, s. 19. *Amended.*

Amount of
maintenance—how
fixed.

17. The judge shall fix such sums for maintenance as shall enable the child to maintain a reasonable standard of life, and the judge shall be governed in his findings by the consideration of what the child would have enjoyed had he been born to his parents in lawful wedlock. 1921, c. 54, s. 20.

Recon-
sideration
where fraud
shown or
new evidence
Power
to vary.

18. The judge may re-open and reconsider any application for affiliation where fraud is shown or upon the discovery of new evidence and also may from time to time vary the affiliation order. 1921, c. 54, s. 21. *Amended.*

Security and
imprison-
ment for fail-
ure to give
security.

19.—(1) The judge may require security to be given for such sum and in such manner as he shall direct for the performance of any order made under the provisions of this Act, and where any person fails to give the security required of him, the judge may order such person to be imprisoned for any period not exceeding three months unless such security is sooner given. 1921, c. 54, s. 23. *Amended.*

Forfeiture
of security.
Application
of proceeds.

(2) When any person has failed to perform a condition or comply with an order in respect of which security has been given, under section 13 or this section, the judge may order that such security be forfeited, which order of forfeiture may be enforced under the provisions of section 20, and the provincial officer shall apply the proceeds of such forfeited security in making any payments ordered to be made by the father, or in such other manner as the judge may direct. 1921, c. 54, s. 29 (1) (a). *Amended.*

Enforce-
ment of
orders.

20.—(1) Any order made under the provisions of this Act, may be enforced in the same manner and by the like proceedings, as,—

As summary
convictions.

(a) any order made or fine imposed under the provisions of *The Ontario Summary Convictions Act*, save that imprisonment for default in making payment under such order shall only be ordered as hereinafter provided; or

Or division
court judg-
ments.

(b) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution or judgment summons, *inter alia*, may be used to enforce such order. 1921, c. 54, s. 22. *Amended.*

Provincial
officer to
apply to
judge to
enforce pay-
ment.

(2) It shall be the duty of the provincial officer to see that payments directed to be made are duly made, and upon default in any such payment, the provincial officer may apply to any judge, who,—

- (a) may from time to time summon the person in default ^{By summons,} to explain the default, and
- (b) may, where service of the summons has been proved ^{By warrant} to arrest, and the person summoned does not appear or sufficient reason for his absence is not given, or where it appears that the summons cannot be served, or where an order of imprisonment has been made, issue a warrant for the arrest of such person, and
- (c) may, when a warrant has been issued or where the ^{By imprisonment,} person in default fails to satisfy the magistrate that such default is due to inability to pay, order such person to be imprisoned for any period not exceeding three months unless the payments in respect of which he is in default are sooner paid.

(3) Upon such default the provincial officer, where the ^{As in} division order has been filed in the division court, may proceed as in the court. case of a judgment of that court. 1921, c. 54, s. 29. *Amended.*

21. No order of affiliation shall be made upon the evidence ^{Evidence.} of the mother of the child unless her evidence is corroborated by some other material evidence. 1921, c. 54, s. 25. *Amended.*

22. All proceedings under this Act may be heard by the ^{Proceedings} judge in his chambers and not in open court. 1921, c. 54, ^{may be heard by judge in chambers.} s. 26. *Amended.*

23. Notice shall be given to the provincial officer in all ^{Notice to be given to} proceedings instituted under the authority of this Act, and ^{given to} provincial officer, he shall have the right to appear and intervene and be heard in person or by counsel on any such proceedings. 1921, c. 54, s. 27.

24. All payments ordered by the judge, shall be paid to ^{Payments to} the Public Trustee or, in the case of periodical payments, as ^{where to be made.} made, the judge may direct. 1921, c. 54, s. 28. *Amended.*

25. The provincial officer shall not be debarred from instituting or continuing proceedings under this Act by the ^{Death of mother not} death of the mother. 1921, c. 54, s. 30. *Amended.*

26.—(1) Where an affiliation order has been made against ^{Affiliation} the father of a child born or likely to be born out of wedlock, ^{order shall bind estate of father.} such order shall bind the estate of such father after his death and any sums payable thereunder shall be a debt due from and chargeable upon the estate of the father and recoverable at the suit of the provincial officer, but every affiliation order shall, as to any payment falling due before or after the father's

death be subject to review as provided in section 18 and no action or other proceeding shall be taken thereon after the death of the father without the leave of the judge, and the judge before granting such leave shall direct that notice shall be given to the widow and legitimate children of the father and to all other persons interested in the estate.

Wife and
children
born in
wedlock
not to be
prejudiced.

(2) Where it appears to the judge that the terms of the affiliation order cannot be carried out without depriving the widow or legitimate children of the father of necessary maintenance, he shall vary the affiliation order to such an extent and in such manner that the widow of the father and his children born in wedlock, if any, shall be duly provided for before the child or children born out of wedlock. 1921, c. 54, s. 31.

Agreement
between
putative
father and
mother of
child as to
mainten-
ance of child
requires
approval in
writing of
provincial
officer.

27.—(1) Any agreement between the mother and the putative father of a child born or likely to be born out of wedlock and any agreement entered into between such father and any other person relating to any matters coming within the provisions of this Act with regard to the maintenance and support of such mother or child, shall require the approval in writing of the judge, and a copy of every such agreement shall be recorded with the provincial officer.

Agreement
voidable—
under what
circum-
stances.

(2) Any agreement coming within subsection 1 of this section, entered into without the approval of the judge, shall be voidable at the instance of the provincial officer. 1921, c. 54, s. 32.

Payments—
how to be
made.

(3) All money payable under any such agreement shall be paid to the Public Trustee, save in the case of periodical payments which shall be made as the judge may direct. *New.*

Agreement
with
provincial
officer to pay
expenses.

28.—(1) The provincial officer may enter into an agreement with any person, whereby such person agrees to pay such of the expenses set forth in section 15 as, in the opinion of the provincial officer, have been or may be necessary.

Default
under
agreement.

(2) Upon default in payment under any such agreement the provincial officer may apply to the judge for an affiliation order, and such agreement shall be *prima facie* proof of paternity.

Power of
judge to
direct pay-
ment of
costs.

29. The judge shall have power to direct payment of the costs of any proceedings taken before him under this Act. *New.*

30. An appeal shall lie from any order under this Act to the ~~Appeal~~ Appellate Division by leave of a judge of the Supreme Court.
New.

31. *The Children of Unmarried Parents Act, 1921*, being 1921, c. 54,
chapter 54 of the statutes of 1921, is hereby repealed.
~~repealed.~~

32. This Act shall come into force on the day upon which <sup>Commencement of
Act.</sup> it receives the Royal Assent.

CHAPTER 52.

An Act respecting Legitimation of Children by the
Subsequent Intermarriage of Their Parents.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**Subsequent
marriage
of parents.**

**Children
born out of
wedlock to
married
persons.**

**Inheritance
from legiti-
mized
child.**

**Rights of
property
not
prejudiced.**

**Children of
innocent
second mar-
riage while
former
spouse living.**

**1921 c. 53
repealed.**

**Commencement
of
Act.**

1. This Act may be cited as *The Legitimation Act, 1927.*

2. If the parents of any child heretofore or hereafter born out of lawful wedlock have heretofore intermarried or hereafter intermarry such child shall for all purposes be deemed to be and to have been legitimate from the time of birth. 1921, c. 53, s. 2. *Amended.*

3. Notwithstanding the provisions of the preceding section, a child born while its father was married to another woman or while its mother was married to another man shall not inherit in competition with the lawful children of either parent. *New.*

4. The parents and brothers and sisters of any child legitimatized by this Act shall inherit upon his death as though he had been legitimate. *New.*

5. Nothing in this Act shall affect any right, title or interest in or to property if such right, title or interest has been vested in any person,

(a) prior to the 1st day of July, 1921; or

(b) in the case of marriage after the 1st day of July, 1921, prior to such marriage. 1921, c. 53, s. 3. *Amended.*

6. When a second marriage has taken place in the *bona fide* belief of the death of a former spouse and under such circumstances that the crime of bigamy has not been committed, the issue of such marriage conceived before knowledge of the fact that the former spouse is living shall in the case of intestacy of the father or mother inherit the estate of the father or mother equally with lawful children. *New.*

7. *The Legitimation Act, 1921*, being chapter 53 of the statutes of 1921, is repealed.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 53.

An Act respecting the Adoption of Children.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Adoption Act, 1927.* Short title.

2.—(1) Upon an application in the prescribed manner by ^{Application for order.} any person desirous of being authorized to adopt an infant under the age of twenty-one years, who has never been married, or to adopt any other person where the Attorney-General has in writing consented to such application being made, the Court may, subject to the provisions of this Act, make an order (in this Act referred to as an "adoption order") authorizing the applicant to adopt that infant or other person as the case may be.

(2) Hereafter in this Act an infant or other person so sought to be adopted, a person so authorized to adopt an infant ^{Infant}, ^{Adopting parent,} or other person, and the infant or other person authorized to ^{Adopted child.} be adopted are referred to as an "infant" and "adopting parent" and an "adopted child" respectively.

(3) Where an application for an adoption order is made by ^{Joint} ^{application.} a husband and wife jointly, the court may make the order authorizing them jointly to adopt, but save as aforesaid no adoption order shall be made authorizing more than one person to adopt an infant.

3.—(1) An adoption order shall not be made in any case ^{where, —} ^{where, —} ^{not to be made.}

(a) the applicant is under the age of twenty-five years,
or

(b) the applicant is less than twenty-one years older
than the infant in respect of whom the application
is made.

Provided,

Proviso.

Provided, that where the applicant and the infant are within the prohibited degrees of consanguinity, it shall be lawful for the court, if it thinks fit, to make the order notwithstanding that the applicant is less than twenty-one years older than the infant.

Special circumstances.

(2) An adoption order shall not be made in any case where the sole applicant is a male and the infant in respect of whom the application is made is a female unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

Consent required.

(3) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant in respect of whom the application is made or who has the actual custody of the infant or who is liable to contribute to the support of the infant: Provided that the court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with has abandoned or deserted the infant or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the infant, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the court and in all the circumstances of the case, to be dispensed with, but no order dispensing with the consent of any person shall be made without notice to him, unless it is made to appear that after reasonable diligence he cannot be found.

Notice to provincial officer.

(4) An adoption order shall not be made without notice to the Provincial Officer or in lieu of notice, his consent to the order.

No order without consent of husband or wife of adopting parent.

(5) An adoption order shall not be made upon the application of a husband or wife without the consent of the wife or husband as the case may be: Provided that the court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with cannot be found, or is incapable of giving such consent or that the husband and wife have separated and are living apart and that the separation is likely to be permanent.

Applicant to be resident and domiciled in Ontario.

(6) An adoption order shall not be made in favour of any applicant who is not resident and domiciled in Ontario, or in respect of any infant who is not a British subject and resident within Ontario.

Conditions precedent to granting of order.

4. The court before making an adoption order shall be satisfied that,—

- (a) every person whose consent is necessary under this Consent Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent, understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights; and
- (b) the order if made will be for the welfare of the ^{Welfare of infant.} infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) the applicant has not received or agreed to receive, ^{No payment to applicant.} and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

5. The court in an adoption order may impose such terms ^{Terms and conditions.} and conditions as the court may think fit and in particular may require the adopting parent by bond or otherwise to make for the adopted child such provision (if any) as in the opinion of the court is just and expedient.

6.—(1) Upon an adoption order being made, the child ^{Use of name of adopting parent and rights.} shall, unless the adopting order otherwise provides, assume the surname of the adopting parent and all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopting parent as though the adopted child was a child born to the adopting parent in lawful wedlock, and in respect of the same matters and in respect of the liability of a child to maintain its parents the adopted child shall stand to the adopting parent in the position of a child born to the adopting parent in lawful wedlock; Provided that, in any case where a husband and ^{Proviso.} wife are the adopting parents, they shall in respect of the matters aforesaid and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child would have stood to a lawful father and mother respectively.

Rights to
and interest
in property.

(2) An adoption order shall not deprive the adopted child of any right to or interest in property to which, but for the order, the child would have been entitled under any intestacy or disposition, whether occurring or made before or after the making of the adoption order, but shall confer on the adopted child upon the intestacy of the adopting parent, the same rights to and interests in the property of the adopting parent as a child born in lawful wedlock of the adopting parent, and the expressions "child," "children" and "issue" where used in any disposition made after the making of an adoption order by the adopting parent, shall, unless the contrary intention appears, include an adopted child or children or the issue of an adopted child.

Inheritance
from adopt-
ing parent.

(3) Where an adopted child or the spouse or issue of an adopted child takes any interest in real or personal property under a disposition by the adopting parent, or where an adopting parent takes any interest in real or personal property under a disposition by an adopted child or the spouse or issue of an adopted child, any succession, legacy or other duty which becomes leviable in respect thereof shall be payable at the same rate as if the adopted child had been a child born to the adopting parent in lawful wedlock.

"Dis-
position."

(4) For the purposes of this section, "disposition" means an assurance of any interest in property by any instrument whether *inter vivos* or by will, including codicil.

Insurance
rights.

(5) For the purposes of the enactments relating to fatal accidents and to insurance and to friendly societies, the adopting parent shall be deemed to be the parent of the child; and where before the adoption order was made any insurance has been effected by the natural parent of the child, its rights under the policy shall, notwithstanding the adoption order, remain as though no such order had been made.

Not to be
deemed child
of adopting
parent ex-
cept for speci-
fied purposes.

(6) Save as herein provided and as to persons other than the adopting parent, the adopted child shall not be deemed the child of the adopting parent.

Disposition
of property
where child
dies intestate.

(7) If the adopted child dies intestate, his property acquired by himself or by gift or inheritance from his adopting parent or from the kindred of such parent shall be distributed as though he had been born in lawful wedlock to his adopting parent and property acquired from his natural parent or kindred shall descend as if no adoption order had been made.

Legitimation.
not to affect
adoption
order.

(8) An adoption order made with respect to an illegitimate child shall not in any way be affected by the intermarriage of its parents. 1926, c. 45, s. 2. Amended.

7.—(1) Upon any application for an adoption order, the court may postpone the determination of the application and may make an interim order (which shall not be an adoption order for the purposes of this Act) giving the custody of the infant to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court may think fit.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the court to dispense with any such consent.

8. An adoption order or an interim order may be made in respect of an infant who has already been the subject of an adoption order, and, upon any application for such further adoption order, the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the infant for all the purposes of this Act.

9.—(1) The court having jurisdiction to make adoption orders under this Act shall be the Supreme Court, or, at the option of the applicant, but subject to any rules under this section, the Judge of the County Court or of a Juvenile Court when designated by the Lieutenant-Governor in Council as a "Judge" within the meaning of this Act, within whose jurisdiction either the applicant or the infant resides at the date of the application for the adoption order.

(2) Rules in regard to any matter to be prescribed under this Act and directing the manner in which applications to the court are to be made, and dealing generally with all matters of procedure and incidental matters arising out of this Act, and for carrying this Act into effect may be made by the Lieutenant-Governor in Council.

(3) An application for an adoption order may be heard and determined in chambers, and if the child was born out of wedlock this fact shall not appear upon the face of the adoption order. The papers used upon an adoption application shall be sealed up and shall not be open for inspection save upon the direction of a Judge or the Provincial Officer.

4) For the purpose of any application under this Act and subject to any rules under this section, the court may appoint some person to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court, and may direct the applicant to pay the costs of the person so appointed.

*Payment
or reward
unlawful.*

Exception.

*Adoption
order where
consent of
parent or
guardian not
required.*

*Trans-
mission of
copy of order
to Registrar-
General.*

*"Adopted
children
register."*

*Reference
in Birth
Register*

*Rights of
adopted non-
resident as to
succession in
Ontario.*

*"Provincial
Officer."*

*Application
of Act to
1921, c. 55.*

Repeal.

10. It shall not be lawful for any applicant or for any parent or guardian, except with the sanction of the court, to receive any payment or other reward in consideration of the adoption of any infant under this Act or for any person to make or give or agree to make or give to any applicant or to any parent or guardian any such payment or reward.

11. Where at the date of the commencement of this Act any infant is in the custody of, and being brought up, maintained and educated by any person or a husband and wife jointly as his, her or their own child under any *de facto* adoption, the court may, upon the application of such person or husband and wife, and notwithstanding the provisions of this Act, make an adoption order authorizing him, her or them to adopt the infant without requiring the consent of any parent or guardian of the infant to be obtained, upon being satisfied that in all the circumstances of the case it is just and equitable and for the welfare of the infant that no such consent should be required and that an adoption order should be made.

12.—(1) The proper officer of the court shall transmit a copy of every adoption order to the Registrar-General, under *The Vital Statistics Act*, within ten days of its making.

(2) The Registrar-General shall establish and maintain a register to be called the "Adopted Children Register," in which shall be recorded all adoption orders.

(3) The Registrar-General shall cause the birth, entry or entries in the Registers of Birth of the child adopted, to be marked with the word "Adopted" with a reference to the adoption register, and to include in the entry in the adoption register recording the adoption, a reference to the registration of the birth of the adopted child.

13. A person domiciled in any other province of the Dominion of Canada who has been adopted in accordance with the laws of the province where he is domiciled, shall be entitled to the same rights of succession as to property in Ontario as he would have had in the province in which he was adopted but not exceeding the right he would have had if adopted under this Act.

14. The Lieutenant-Governor in Council may appoint an officer in the public service to be known as "The Provincial Officer" for the purposes of this Act.

15. The property and rights of all children adopted under the Act, 11 George V, chapter 55, shall be governed by the provisions of this Act.

16. *The Adoption Act, 1921, chapter 55; The Adoption Act, 1925, chapter 46; and The Adoption Act, 1926, chapter 45*, are hereby repealed.

CHAPTER 54.

An Act to amend The Surveys Act, 1920.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Surveys Act, 1927.* Short title.
2. Section 13 of *The Surveys Act, 1920,* is amended by <sup>1920, c. 48
s. 13,
amended.</sup> adding thereto the following subsection:

 - (9) Where any allowance for a road, street or lane is closed under the provisions of this section, it shall be the duty of the corporation of the municipality in which the allowance for such road, street or lane was vested to execute a conveyance to each owner of that portion of the road allowance which belongs to him under this section, and the corporation shall register such conveyance in the proper registry or land titles office.
 - (a) The cost of preparing and registering the conveyance shall be borne by the municipal corporation.

3. Subsection 1 of section 16 of *The Surveys Act, 1920,* is amended by striking out the word "resident" in the tenth line. <sup>1920, c. 48,
s. 16, subs. 1,
amended.</sup>
4. Subsection 1 of section 18 of *The Surveys Act, 1920,* is amended by striking out the word "just" in the fourteenth line and inserting in lieu thereof the word "necessary." <sup>1920, c. 48,
s. 18, subs. 1,
amended.</sup>
5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of
Act.

CHAPTER 55.

An Act respecting Stationary and Hoisting Engineers.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

short title. **1.** This Act may be cited as *The Stationary and Hoisting Engineers' Act, 1927.*

Interpretation. **2.** In this Act,—

"Board," **(a)** "Board" shall mean the Board of Examiners appointed as hereinafter provided; 1919, c. 37, s. 2, cl. (b).

"Gas plant," **(b)** "Gas plant" shall mean and include air, ammonia, carbon dioxide and sulphur dioxide compressor or compressors, driven by power other than steam, and every part thereof and thing connected therewith and used with reference to any such compressor or compressors; 1921, c. 56, s. 2 (4), cl. (g).

"Hoisting plant," **(c)** "Hoisting plant" shall mean and include a steam boiler, a boiler and steam engine and every part thereof, working at a pressure of twenty pounds or over irrespective of horsepower and used for hoisting in structural operations or for excavating purposes, or for portable or industrial work; 1919, c. 37, s. 2, cl. (c); 1921, c. 56, s. 2 (2).

"Horse-power" of a steam plant, **(d)** "Horsepower" of a steam plant shall mean the equivalent to the evaporation of 34½ lbs. of water per hour from and at 212°—15 sq. ft. heating surface for return tubular boilers—12 sq. ft. heating surface for locomotive type boilers—10 sq. ft. heating surface for water tube boilers; 1919, c. 37, s. 2, cl. (a); 1921, c. 56, s. 2, cl. (a). *Amended.*

"Horse-power" of a gas plant, **(e)** "Horsepower" of a gas plant shall mean the brake horsepower

horsepower rating of the motive power driving the compressor or compressors; 1921, c. 56, s. 2 (4), cl. (f). *Amended.*

(f) "Minister" shall mean Minister of Labour; 1919, "Minister." c. 37, s. 2, cl. (d); 1919, c. 22, s. 2.

(g) "Steam plant" shall mean and include a steam boiler or boilers, steam engine or engines, steam pump or pumps, or any combination of engines, boilers and pumps, and every part thereof and thing connected therewith, or used with reference to any such boilers, engines or pumps, in one building, or in two or more buildings, if said buildings are not separated by a distance of more than three hundred feet and under the one management; 1919, c. 37, s. 2, cl. (e); 1921, c. 56, s. 2 (3).

3. Nothing in this Act shall apply to the operation of any stationary steam or gas plant having a capacity of less than twenty-five horsepower, nor to steam heating plants or gas plants operating with the safety valve set to relieve the pressure at ten pounds or under, nor to the operation of a locomotive engine used on chartered railroads or electric locomotives, or a steamboat or steamship engine or a hoist at a mine, nor to boilers used for agricultural purposes. 1919, c. 37, s. 3; 1921, c. 56, s. 3.

4. (1) The Lieutenant-Governor in Council may appoint a board of examiners consisting of three or five competent and independent engineers practically conversant with the construction of boilers and the operation of steam plants and gas plants, who shall hold office during pleasure and, subject to the regulations mentioned in the following section, shall prescribe the subjects in which candidates for certificates of qualification as stationary or hoisting engineers shall be examined and shall conduct or provide for and supervise the examination of candidates and report thereon to the Minister. 1919, c. 37, s. 4; 1920, c. 50, s. 2; 1921, c. 56, s. 2 (4), cl. (h).

(2) The Lieutenant-Governor in Council may appoint such examiners, officers, clerks and servants of the board as may be deemed necessary. 1920, c. 50, s. 2 (2).

5. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations:

(a) the examination of candidates, the granting of certificates, the classifying of the holders of these certificates into their respective grades and the

evidence

evidence to be furnished by candidates as to previous training or experience and sobriety and good character; 1919, c. 37, s. 5, cl. (a); 1921, c. 56, s. 4.

- (b) determining the time of duration of certificates and their renewal; 1919, c. 37, s. 5, cl. (b).
- (c) fixing the fees to be paid by candidates upon examination and for certificates and their renewal; 1919, c. 37, s. 5, cl. (c).
- (d) prescribing the causes for which a certificate may be revoked, cancelled, or suspended; 1919, c. 37, s. 5, cl. (d).
- (e) fixing the fees or other remuneration to be paid to the members and officers of the board; 1919, c. 37, s. 5, cl. (e).
- (f) fixing the fees to be paid by plant owners for certificates of registration; 1919, c. 37, s. 5, cl. (f).

Qualification of candidates.

6. A person shall not be eligible for examination unless he is a British subject, or has expressed his intention of becoming a Canadian citizen and has the necessary residence qualifications for becoming a Canadian citizen required by the Dominion *Naturalization Act* and has made application to the proper authorities for naturalization papers. 1919, c. 37, s. 6; 1921, c. 56, s. 5.

Certificates of qualification.

7.—(1) On the recommendation of the Board, and on payment of the prescribed fees the Minister may issue certificates of qualifications to stationary or hoisting engineers, and certificates of registration to plant owners. 1919, c. 37, s. 7 (1).

Revocation or suspension.

(2) Subject to the regulations a certificate may be revoked, cancelled or suspended by the Minister on the recommendation of the Board at any time. 1919, c. 37, s. 7 (2).

Registration of holders of certificates.

(3) Every stationary or hoisting engineer shall, during the continuance of his certificate, register with the Board on or before the 1st day of February of each year on a form to be furnished by the Board, and any stationary or hoisting engineer who fails to do so shall not continue in charge of a steam or gas plant. 1919, c. 37, s. 7 (3); 1921, c. 56, s. 2 (4), cl. (h); s. 6, cl. (a).

Particulars to be supplied by owners.

(4) It shall be the duty of all owners of steam plants and gas plants to advise the board, on a printed form, supplied

by

by the Board on application, of the horsepower of the plant and pressure at which safety valves on boilers and tanks are set to relieve said pressure, on receipt of which, together with the prescribed fee, the Minister will issue a registration certificate. Any change made in the plant subsequent to registration will necessitate a re-registration of same. 1919, c. 37, s. 7 (4); 1921, c. 56, s. 2 (4), cl. (h); s. 6, cl. (b).

8. The duties of an engineer may be performed for a period not exceeding fourteen days by any person, providing the engineer, for reasons other than dismissal, absents himself from his post without having given seven days' notice; provided that at the end of such period an engineer with the proper qualifications is employed. 1921, c. 56, s. 7.

9. The Board at its discretion may grant a provisional certificate of corresponding horsepower to be good for a period not to exceed one year to any person who holds a stationary or hoisting engineer's certificate from the board of examiners or other duly constituted authority of any other province of Canada. 1919, c. 37, s. 9; 1921, c. 56, s. 8.

10.—(1) The certificate of qualification shall at all times be exposed to view in the engine, compressor or boiler room in which the holder thereof is employed, except in the case of a hoisting plant when such certificate shall be carried upon the person of the operator.

(2) The certificate of plant registration shall at all times be exposed to view in the engine, compressor or boiler room of the plant.

(3) Failure to comply with the provisions of subsections 1 and 2 of this section shall be *prima facie* evidence of the lack of qualification under this Act. 1919, c. 37, s. 10; 1921, c. 56, s. 9. *Amended.*

11. This Act shall not apply to firemen, who have had less than six months' experience, or other workmen acting under the personal direction or supervision of any engineer holding a certificate under this Act, who is actually in charge of a steam or gas plant, or to the employees of engine builders or steam or gas plant contractors engaged in installing, setting up or testing a boiler or steam or gas plant. This section shall not apply to hoisting engineers. 1919, c. 37, s. 11; 1921, c. 56, s. 2 (4), cl. (h).

12. Any person who deems himself aggrieved by the decision of the Board, may appeal therefrom to the Minister, upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final. 1919, c. 37, s. 12.

Annual Report of the Board.

13. The Board shall on or before the 15th day of November in every year make to the Minister a report in writing for the year ending on the 31st day of October of the previous year, showing,—

- (a) the number of certificates granted;
- (b) the number of applications for certificates refused and the causes for refusal;
- (c) the number of certificates revoked, cancelled or suspended, and the causes for the same;
- (d) the amount of fees received from candidates or holders of certificates; 1919, c. 37, s. 13, cls. (a)-(d).
- (e) the number of plants registered during the year; 1919, c. 37, s. 13, cl. (e); 1921, c. 56, s. 10.
- (f) the amount of fees received from plant owners for registration purposes;
- (g) such other matters as may be directed by the Minister or the Lieutenant-Governor in Council; 1919, c. 37, s. 13, cls. (f), (g).

Right to enter premises.

14.—(1) Any member of the Board or any inspector, on presentation of authority in writing, signed by the Minister, may enter any premises wherein he has reason to believe there is a steam, gas or hoisting plant and make such inspection as may be necessary to determine whether the provisions of this Act are being complied with. 1919, c. 37, s. 14, cl. (a); 1921, c. 56, s. 2 (4), cl. (h).

Penalty for interfering.

(2) Any person who interferes with or obstructs a member of the Board or inspector in the exercise of the powers conferred on him, shall incur a penalty not exceeding \$100. 1919, c. 37, s. 14, cl. (b); 1921, c. 56, s. 11, cl. (a).

Penalty for impersonation.

(3) Any person impersonating another and presenting himself for examination under a false name, in order to obtain a certificate for a person other than himself, shall incur a penalty of not less than \$200. 1921, c. 56, s. 11, cl. (b).

Penalty for operating without certificates.

15. Every person who,

- (a) except as provided in section 8, operates a steam, gas or hoisting plant as the engineer in charge thereof,

or as fireman or oiler at a stationary steam or gas plant under an engineer, without the certificate required by this Act, or employs or permits any person to operate a steam, gas or hoisting plant as the engineer in charge or as fireman or oiler at a stationary steam or gas plant without such certificate; or

(b) is guilty of a contravention of subsection 4 of section 7,

shall incur a penalty of not less than \$25. 1919, c. 37, s. 15; 1921, c. 56, ss. 2 (4), 12.

16. It shall be the duty of the inspectors of factories to assist in the enforcement of this Act, to report to the Board any violation thereof and to furnish to the Board such information as they may have as to the conduct and capability of any person holding or applying for a certificate. 1919, c. 37, s. 16.

17. The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act, 1926*, and all fees collected shall be remitted to the Chairman of the Board of Stationary and Hoisting Engineers, cheques being made payable to the Treasurer of Ontario. 1919, c. 37, s. 17; 1921, c. 56, s. 18.

18. The following Acts and parts of Acts are hereby repealed:

1919, Chapter 37—the whole.

1920, Chapter 50—the whole.

1921, Chapter 56—the whole.

19. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 56.

An Act respecting Employment Agencies.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Employment Agencies Act, 1927.*

**Interpre-
tation.**

2. In this Act,—

**"Deputy
Minister."**

(a) "Deputy Minister" shall mean Deputy Minister of Labour;

**"Employ-
ment
agency."**

(b) "Employment agency" shall mean and include the business of procuring workmen, artificers, labourers, domestic servants and other persons for the performance of skilled or unskilled labour and the business of procuring employment for such classes of persons or any of them;

**"Private
employ-
ment
agency."**

(c) "Private employment agency" shall mean an employment agency in which the business of an employment agency is carried on for fee or reward;

**"Regu-
lations."**

(d) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act;

"Treasurer."

(e) "Treasurer" shall mean Treasurer of Ontario;

**"Voluntary
employment
agency."**

(f) "Voluntary employment agency" shall mean any charitable or other organization carried on without fee or reward by any voluntary organization, or a municipal corporation or any department or commission thereof or by any other persons. 1917, c. 37, s. 2. *Amended.*

License.

3.—(1) The Deputy Minister may issue to any individual or any association of individuals or to any firm, or corporation, a license to carry on the business of an employment agency.

(2) The license shall remain in force until the 1st day of ^{Term of} July, in the year next following that in which it is issued.

(3) The license shall state the address at which the business ^{To state address,} is to be carried on. 1917, c. 37, s. 3. *Amended.*

(4) Where an employment agency is carried on by means ^{Separate license fee for each municipality.} of offices, branches or agencies in different municipalities, a separate license shall be required and a separate fee shall be payable in respect thereof for each municipality. 1917, c. 37, s. 4. *Amended.*

4. Any person carrying on the business of an employment ^{Penalty of carrying on business without license.} agency without such license shall incur a penalty of not less than \$10, and not more than \$500, to be recoverable under *The Ontario Summary Convictions Act, 1926*, before a police magistrate or two or more justices of the peace, and in the case of an offence committed by an individual shall in default of immediate payment of such penalty be imprisoned for a period of twelve months unless the penalty and costs are sooner paid. 1917, c. 37, s. 4 (1). *Amended.*

5. The Lieutenant-Governor in Council may make regulations,— ^{Regulations.}

- (a) for fixing the fees to be charged for licenses for private ^{Fees for} employment agencies and for the different classes of voluntary employment agencies, and for providing that in the case of any voluntary employment agency a nominal fee shall be charged for the license; 1917, c. 37, s. 5, cl. (a);
- (b) classifying private employment agencies according to ^{Regulations classifying employment agencies.} the class of employment to be procured and limiting the class of business which may be carried on by any employment agency;
- (c) prohibiting the granting of licenses to any class of ^{Prohibiting granting of} employment agencies in Ontario;
- (d) excepting from any such prohibition any employment ^{Exceptions from prohibitions.} agency or class of employment agencies, or for excepting from such prohibition any particular class of employment; 1919, c. 38, s. 1;
- (e) regulating the conduct of the business of employment ^{Conduct of business records.} agencies and prescribing the records, books and accounts to be kept by any class of employment agency;

Security
by licensees.

- (f) requiring security to be given by licensees and for fixing the amount of such security and declaring that a license may be granted to any class of employment agency without security being given;

Fees to
be charged
licensees.

- (g) fixing the amount of the fee, reward or other remuneration to be charged for services rendered by an employment agency in procuring employees or employment;

Returns.

- (h) providing for returns to be made when and as required by persons and firms to whom licenses are issued;

Inspectors
and inspec-
tion.

- (i) providing for the appointment of inspectors and the inspection of employment agencies;

Revocation
and cancel-
lation of
licenses.

- (j) for the revocation and cancellation of a license upon the conviction of the holder thereof for any offence or upon proof to the satisfaction of the Deputy Minister that the business of the licensee is being conducted dishonestly, unfairly or improperly;

Inquiries by
Deputy
Minister and
inspectors.

- (k) conferring upon the Deputy Minister and upon the inspectors of employment agencies the power to hold inquiries into the conduct of the business of an employment agency and to take evidence under oath and providing that the Deputy Minister or inspector shall for the purpose of such inquiry have and exercise the powers which may be conferred upon a commissioner under *The Public Inquiries Act*;

Exemptions.

- (l) exempting any voluntary employment agency or any class of voluntary employment agencies from the operation of any of the provisions of this Act;

General.

- (m) generally for the better carrying out of the provisions of this Act. 1917, c. 37, s. 5, cl. (b-j).

1917, c. 37;
1919, c. 38;
repealed.

6. *The Employment Agencies Act, 1917*, being chapter 37 of the Statutes of 1917, and *An Act to amend the Employment Agencies Act*, being chapter 38 of the Statutes of 1919 are hereby repealed.

Commencement
of
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 57.

An Act to amend The Hydro-Electric Railway
Act, 1914.

Assented to 5th April, 1927.

HIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Hydro-Electric Railway* Short title.
Act, 1927.

2. Subsection 7 of section 3 of *The Hydro-Electric Railway* 1925, c. S. 5, s. 17. *Act, 1925*, is amended by striking out the words "sections 7 amended and 8" at the commencement of the said subsection and inserting in lieu thereof the words "Section 7".

3. By-laws Nos. 153 and 158 of the town of Tecumseh; By-laws confirmed Nos. 201 and 208H of the town of Riverside; By-laws Nos. 714 and 717 of the town of Ford City; By-laws Nos. 1126 and 1153 of the town of Walkerville; By-laws Nos. 1480 and 1481 of the town of Sandwich; By-law No. 441B of the town of Amherstburg; By-law No. 641 of the township of Sandwich West; and By-laws Nos. 3555 and 3572 of the city of Windsor, and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof, respectively, and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Hydro-Electric Railway Act, 1914*, and amendments thereto, or *The Consolidated Municipal Act, 1922*, or any other general or special Act of this Legislature.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 58.

An Act respecting The Toronto Radial Railways.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Toronto Radial Railway Act, 1927*.

Interpre-
tation.

2. In this Act,—

"Commis-
sion."

(a) "Commission" shall mean Hydro-Electric Power Commission of Ontario;

"Cor-
poration."

(b) "Corporation" shall mean Corporation of the City of Toronto.

Agreement
for transfer
of railways
to corpora-
tion, con-
firmed.

3. The agreement between the Commission and the Corporation set out in schedule one hereto is hereby validated and confirmed and declared to be legal, valid and binding to all intents and purposes and to have been authorized by *The Toronto Radial Railways Act, 1926*, and the parties thereto are hereby authorized to carry the same into effect.

Property
vested in
corporation
subject to
bonds.

4. The property set forth in the schedule to the said agreement is hereby, and shall be deemed to have been from the 11th day of January, A.D. 1927, vested in the Corporation free from all claims, liens, charges and encumbrances save for the bonds to the amount of \$2,375,000 hereinafter mentioned and as in the said agreement is otherwise provided.

By-law
No. 11080
of City of
Toronto,
confirmed.

5. By-law No. 11080 passed by the Council of the said Corporation and intituled "A By-law to provide for the issue of City of Toronto General Consolidated Loan Debentures to the amount of \$1,112,000 to raise \$1,070,049.41 to be paid to The Hydro-Electric Power Commission of Ontario for the transfer of the Toronto Radial Railways" and all debentures issued or to be issued or purporting to be issued under the provisions of the said by-law are hereby confirmed and declared to be legal, valid and binding upon the said Corporation and ratepayers thereof and shall not be open to question upon any ground whatsoever.

6.—(1) The debentures to the amount of \$2,375,000 issued by the Corporation and deposited with the Commission under the provisions of *The Toronto Radial Railway Act, 1921*, and the agreements thereby authorized shall hereafter be held by the Commission as collateral security for the bonds to the same amount issued by the Commission under the authority of the said Act and for any payments required to be made to the Commission by the Corporation under section 7 of the agreement set out as schedule one hereto.

(2) In the event of default by the Corporation in making any of the payments required to be made under the provisions of section 7 of the said agreement the Commission shall have the right upon two weeks' notice to the Corporation to sell or otherwise dispose of so much of the said debentures as shall be necessary to provide the Commission with the amount of the payment in default and shall use the proceeds of any such sale or disposition of such debentures for the purpose only for which said payment may be required and the Corporation shall thereupon upon demand by the Commission issue and deposit with the Commission similar debentures to an amount sufficient to make up the deficiency and the Corporation is hereby authorized without the assent of the electors to pass by-laws for the issue of such debentures required to make up such deficiency.

(3) The Commission shall not be required to provide a sinking fund for the payment of the said bonds issued by the Commission to the amount of \$2,375,000 as mentioned in subsection 4 of section 9 of *The Toronto Radial Act, 1921*, but the said bonds shall remain a charge upon the railways as provided by the said Act.

7. The Corporation is hereby authorized to cancel all debentures issued by it and deposited with the Commission as collateral security for bonds issued by the Commission to cover the capital cost of extensions or improvements or additional works or equipment as provided in subsection 3 of section 9 of *The Toronto Radial Railway Act, 1921*, and to repeal all by-laws passed to provide for the issue of such debentures.

8. When the Commission's bonds amounting to \$2,375,000 are paid off and cancelled the Commission shall return to the Corporation all debentures of the Corporation issued and deposited with the Commission as collateral security for the said bonds and the Corporation may thereupon cancel the said debentures and repeal the by-laws passed to provide for the issue of same.

*Agreement
between city
and T.T.C.,
confirmed.*

9. The agreement between the said Corporation and the Toronto Transportation Commission set out in schedule two hereto is hereby confirmed and declared to be valid and effective in all respects as between the parties thereto.

*Cancellation
of existing
agreements
with Com-
mission.*

10. The agreements made between the Commission and the Corporation under the authority of *The Toronto Radial Railway Act, 1921*, are hereby terminated and neither the Commission nor the Corporation shall have any rights or obligations under the said agreements or any of them save as provided in the agreement set out in schedule one to this Act.

*Relief of
Commission
from obliga-
tion to
operate.*

11. The control, equipment and operation of the railways which by clause 6 of *The Toronto Radial Railway Act, 1921*, were vested in the Commission shall cease to be an obligation of the Commission as from the 11th day of January, A.D. 1927.

*Registration
of Act.*

12. A copy of this Act shall be deposited, copied and registered in the general register of every registry office in which is registered or recorded the title to any land or interest in land which by this Act is vested in the Corporation, and every registrar of deeds shall, upon the request of the Corporation, enter in the abstract index of each parcel or tract of land which or in which an interest is vested in the Corporation as aforesaid, a note, entry or memorandum showing that the same was vested in the Corporation on the 11th day of January, A.D. 1927, and referring to the registration number in the general register where the said Act has been registered as aforesaid.

SCHEDULE ONE.

This Agreement made the Sixth day of January, 1927.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO (hereinafter called "The Commission"),
of the first part,
AND

THE CORPORATION OF THE CITY OF TORONTO, (hereinafter called "The Corporation"),
of the second part.

Whereas by *The Toronto Radial Railway Act, 1921*, the Commission was authorized to purchase the shares, securities, and/or property and rights of The Toronto Power Company, Limited (formerly called the Toronto and Mimico Railway Company), the Toronto and York Radial Railway Company, the Schomberg and Aurora Railway Company, the Toronto and Scarborough Electric Railway Light and Power Company and the Metropolitan Railway Company;

And whereas by the said Act it was further provided that upon the completion of the said purchase the properties described and set out in schedules to the agreements in Schedule "A" to the said Act, as

- (a) The Metropolitan Division, including for the purposes thereof, the Schomberg and Aurora Railway;
- (b) The Mimico Division; and
- (c) The Scarborough Division;

should be vested in the Commission on behalf of the Corporation free from encumbrances, charges and liabilities, subject only to the agreements to be made between the Commission and the Corporation under the authority of the said Act;

And whereas by the said Act the Commission and the Corporation were authorized to enter into certain agreements, as of 1st December, 1920, in the form set out in Schedule "A" to the said Act, or with such variations as might be approved by the Lieutenant-Governor-in-Council, in respect *inter alia* to the control, equipment and operation by the Commission on behalf of the Corporation of the properties acquired by and vested in the Commission on behalf of the Corporation under the provisions of the said Act;

And whereas pursuant to the provisions of the said Act the Commission and the Corporation entered into three agreements, in the forms set out in Schedule "A" of the said Act, relating respectively to the said Metropolitan Division, the said Mimico Division and the said Scarborough Division, and the said properties have since been vested in and controlled, equipped and operated by the Commission on behalf of the Corporation under the provisions of the said agreements and of the said Act;

And whereas pursuant to the said Act and agreements the Commission issued bonds to the amount of \$2,375,000.00 representing the purchase price of the said properties, which bonds mature on 1st December, 1940, and are charged on the said properties as follows, namely, \$1,875,000.00 on the Metropolitan Division, \$260,000.00 on the Mimico Division, and \$240,000.00 on the Scarborough Division;

And whereas the Commission with the consent of the Corporation has issued other bonds, charged on the said properties, to an amount of approxi-

mately

mately \$1,200,000.00 representing the capital cost of extensions, improvements and additional works or equipment for the said railways, which bonds are now held by the Commission;

And whereas by *The Toronto Radial Railways Act, 1926*, the Commission and the Corporation are authorized to enter into an agreement, with the approval of the Lieutenant-Governor-in-Council to provide for the transfer of the said railways and properties from the Commission to the Corporation upon a date to be agreed upon;

And whereas the amount expended by the Commission up to the thirty-first day of October, 1926, for the said capital cost of extensions, improvements and additional works or equipment for the railways together with the amount unpaid by the Corporation of deficits from the operation of the railways up to the said date has been determined and agreed upon as \$1,088,760.14;

Now therefore this Agreement witnesseth that the parties hereto have agreed as follows:

1. Upon payment by the Corporation to the Commission of the said sum of One Million Eighty-eight Thousand Seven Hundred and Sixty 14/100 dollars (\$1,088,760.14) and interest thereon at the rate of 6 per cent. per annum from the said 31st day of October, 1926, up to the time of payment thereof, the Commission will transfer to the Corporation the operation and control of, and all right, title and interest vested in the Commission by *The Toronto Radial Railway Act, 1921*, in the property described in the Schedule hereto (which property is hereinafter referred to as "the railways") comprising:

- (a) The Metropolitan Division, including the Schomberg and Aurora Railway;
- (b) The Mimico Division; and
- (c) The Scarboro Division;

at midnight on the fifth day after the day on which the Order-in-Council approving this agreement is issued, which time is hereinafter referred to as the "time of transfer."

2. The Commission will account to the Corporation for all revenues received from the Railways and for all outlay on behalf of the Railways subsequent to the 31st day of October, 1926, and up to the time of transfer, and will pay to the Corporation the amount, if any, by which the revenue exceeds the outlay; together with interest at the said rate on each month's excess from the end of that month up to the time of payment aforesaid; if the outlay exceeds the revenue the Corporation will pay the excess to the Commission; together with interest at the said rate on each month's excess from the end of that month up to the time of payment aforesaid; in either case the amount shall be paid forthwith upon ascertainment thereof. In case of dispute the amount shall be ascertained and determined by Mr. G. T. Clarkson, whose decision shall be final.

3. Upon such transfer being made the agreements made between the Commission and the Corporation under the authority of *The Toronto Radial Railway Act, 1921*, shall be terminated and neither of the parties hereto shall have any rights or obligations under said agreements or any of them save as otherwise provided herein.

4. The Commission will at the time of transfer:

(a) Procure the cancellation of the Commission's bonds aggregating approximately \$1,200,000.00 issued in respect to extensions, improvements, additional works or equipment for the railways and the discharge of the railways from liability in respect to said bonds;

(b) Return to the Corporation all debentures issued by the Corporation and deposited with the Commission except the original issue

of \$2,375,000.00 deposited with the Commission as collateral security for the bonds to the same amount issued by the Commission in respect to the purchase price of the railways.

5. From and after the time of transfer the Corporation shall be entitled to and will receive and collect all accounts receivable and will pay and discharge all debts, claims and liabilities of the Railways whether arising before or after the time of transfer and will assume and perform all agreements and obligations of the Commission in respect of the railways, and will indemnify and save harmless the Commission from all such and from all actions, claims, loss, costs, charges, damages and expenses in connection therewith.

6. At or after the time of ascertainment and payment of the amount mentioned in Clause 2 above, the Commission will, if so requested by the Corporation, execute and deliver or cause to be executed and delivered to the Corporation such deeds, conveyances, transfers, bills of sale, assignments of mortgages and other documents as may be necessary to vest in the Corporation subject to the said bonds to the amount of \$2,375,000.00, all the interest of the Commission in the railways and/or property and rights pertaining thereto.

And the Commission covenants with the Corporation that it will execute such further assurances of the said properties as may be requisite; and the Commission covenants with the Corporation that it has done no act to encumber the said properties save as aforesaid in respect of the said bonds to the amount of \$2,375,000.00 and save as set out in the said schedule hereto; and the Commission releases to the Corporation all its claims upon the railways. The covenants and release in this paragraph shall bear the same meaning as if contained in a deed of land expressed to be made in pursuance of *The Short Forms of Conveyances Act*, or a meaning analogous thereto.

7. After the time of transfer the Corporation will from time to time pay to the Commission the amounts required by the Commission to make the payments of interest and principal on the said bonds aggregating \$2,375,000.00 issued by the Commission as such payments respectively fall due, and will indemnify and save harmless the Commission from loss in respect to the said interest and principal.

8. The Commission will hold the debentures of the Corporation to the amount of \$2,375,000.00 as collateral security for the payment by the Corporation of the amounts referred to in the next preceding paragraph, and in case of default of the Corporation in making any of said payments the Commission shall have the right upon two weeks' notice to the Corporation to sell or otherwise dispose of so much of the said debentures as shall be necessary to provide the Commission with the amount of the payment in default, and shall use the proceeds of any such sale or disposition of said debentures for the purpose only for which such payment may be required, and the Corporation will thereupon upon demand by the Commission issue and deposit with the Commission similar debentures to an amount sufficient to make up the deficiency.

9. Upon the Commission's said bonds aggregating \$2,375,000.00 being paid off and cancelled, the Commission will return to the Corporation forthwith the Corporation's said debentures to the amount of \$2,375,000.00 so deposited with the Commission, and the railways shall thereupon be discharged from all liability in respect to any of said bonds or debentures.

10. After the time of transfer the Commission will continue to supply electrical power or energy required for the operation of the railways as long as such supply is required by the Corporation at rates consistent with those charged to municipal corporations, that is, at rates based on cost which shall be approximately equivalent to rates chargeable by the Commission for similar services under contracts under *The Power Commission Act* to other municipal corporations in the area served by the Railways; provided that, if at any time the supply of electrical power or energy required from any point of delivery for the operation of any division of the railways is materially less than that now required from such point

of delivery for such division the Corporation shall indemnify the Commission against loss in respect of the capital cost of the works for furnishing electrical power or energy between the Commission's high voltage stations and such point of delivery, to the extent that such capital cost would have been carried in the charges for electrical power or energy if the supply from such point of delivery had remained the same as that now required. In case of disagreement as to the right to or amount of such indemnity the same shall be determined by arbitration.

11. Where the Commission has combined the property and works used for railway purposes with those used for other purposes such as transmission, transformation and distribution of power either by the Commission or by a municipal corporation or commission, and without limiting the generality of the foregoing including poles on Yonge Street and right-of-way to Sutton and Schomberg and substations, such joint use shall continue subject to the provisions of this agreement until the parties otherwise agree; and the Corporation and the Commission will, where feasible and economical, co-operate in the use of the property and works of the railways and of those of the Commission in the immediate vicinity of the railways. In the case of properties so jointly used rentals and charges including operating charges, consistent with those charged to or by the Commission for similar services elsewhere shall be paid by the party enjoying the use to the party whose property or works are used; provided that after one year from the date hereof a readjustment may if required by either party be made from time to time as to the basis of rentals and charges and also as to the conditions, the location and/or the extent of joint use and as to whether the joint use or any part of such property or works shall be discontinued and if so as to the terms of such discontinuance; provided further that in the event of either party desiring to dispose of any part of the property affected by the said joint use the other party shall be entitled to buy so much thereof as may be necessary for its use at a price to be agreed upon. In case of disagreement in respect to any matters covered by or arising out of this paragraph the questions in dispute shall be determined by arbitration.

12. At the time of transfer the Commission will:

(a) Hand over to the Corporation all books, records, agreements, statements of account, inventories, plans, drawings, specifications and other documents in the possession or control of the Commission, relating exclusively to the business of the railways or the Commission's operation of same;

(b) Allow the proper representatives of the Corporation from time to time to have access to all other such documents in the possession of the Commission which relate partly to the business of the railways and partly to other business of the Commission;

(c) So far as reasonably possible, furnish to the Corporation upon the request of and at the expense of the Corporation all information in possession and control of the Commission respecting the railways or their operation.

13. The Commission will not, and at the request of the Corporation the Commission will procure the Railway Companies mentioned in the first recital to this agreement respectively to covenant that they will not, at any time hereafter, exercise, rely on, or use any Statutory or other rights or powers of any of the said Companies for operating any Railway in competition with any Railway operated by the Corporation or the Toronto Transportation Commission; nothing in this Clause or in any covenant given by any of the said Companies hereunder shall affect any rights after default of the holders or of any Trustees for the holders of any Bonds issued by the Commission outstanding after the time of transfer.

14. Wherever in this agreement provision is made for the determination of any matter by arbitration such matter shall be submitted to and determined by a single arbitrator to be agreed upon by the parties and failing such agreement to be chosen by the Senior Judge of the County of York, and from the finding or award of such arbitrator there shall be no appeal.

15. The parties hereto will endeavour to procure the passing of legislation at the next session of the Legislature of the Province of Ontario to vest the railways in the Corporation, to validate the holding of the Corporation's debentures by the Commission as collateral security for the payment of outstanding bonds of the Commission charged on the railways as hereinbefore provided, and to validate this agreement in respect to other matters as may be necessary.

16. This agreement shall be binding upon and enure to the benefit of the parties hereto and their successors and assigns.

In witness whereof the parties hereto have hereunto set their Corporate Seals by the hands of their proper officers in that behalf.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

Signed, sealed and delivered,
in the presence of

C. A. MAGRATH,
Chairman.
W. W. POPE,
Secretary.

(Corporate Seal of Commission.)

THE CORPORATION OF THE CITY OF TORONTO,

THOMAS FOSTER,
Mayor.
GEO. H. ROSS,
Treasurer.

(Corporate Seal of City.)

SCHEDULE.

METROPOLITAN DIVISION.

The Metropolitan Division, for the purpose of this agreement, shall consist of all the right-of-way, other lands and real estate, roadbed, bridges, trestles, culverts, fences, signs, track, track tools, poles and fixtures, railway direct current power distribution system, shops, car-houses, offices, stations, miscellaneous buildings, ballast pits, park and resort property, passenger cars, freight cars, service cars, locomotives, shop equipment, furniture, trucks, automobiles, vehicles, stores and substation buildings with their Railway equipment all operated as the Metropolitan Division, the whole constituting a single track electrical radial railway with sidings, spurs and all necessary appurtenances extending from the northerly limits of the City of Toronto on Yonge Street to the Village of Sutton, Ontario, a distance of 48.66 miles, with a branch from Schomberg and Aurora Junction to Schomberg, a distance of 14.41 miles; and including certain real estate within the City of Toronto and certain parcels of real estate outside of the said City, all as set out more particularly in the following schedule:

METROPOLITAN DIVISION OF TORONTO AND YORK RADIAL RAILWAY.

REAL ESTATE IN NORTH TORONTO.

Lot 6, north side Birch Avenue, Toronto, 50 feet by 138 feet.

Part Lot 5, north side Birch Avenue, Toronto, 25 feet by 138 feet.

Part Lot 5, north side Birch Avenue, Toronto, 25 feet by 138 feet.

Part Lot 4, north side Birch Avenue, Toronto, 16 feet 8 inches by 138 feet.

Part Lot 4, north side Birch Avenue, Toronto, 16 feet 8 inches by 138 feet.

Part Lot 4, north side Birch Avenue, Toronto, 16 feet 8 inches by 25 feet.

Only easement for a right-of-way over rear part.

Part Lot 1, north side Birch Avenue, Toronto, 30 feet by 70 feet.

Part Lot 2, west side Yonge Street, Toronto, 22 feet 5 inches by 100 feet.

Part Lot 2, west side Yonge Street, Toronto, 30 feet by 68 feet.

Part Lot 3, west side Yonge Street, Toronto, 10 feet by 138 feet.

Part Lots 7 and 8, south side Alcorn Avenue, Toronto, 28 feet by 5 inches 80 feet.

Part Lots 6 and 7, south side Alcorn Avenue, Toronto, 20 feet 6 inches by 80 feet.

Part Lot 6, south side Alcorn Avenue, Toronto, 20 feet 7 inches by 80 feet.

Part Lots 5 and 6, lane, south side Alcorn Avenue, Toronto, 10 feet by 80 feet

- Part Lot 5, south side Alcorn Avenue, Toronto, 14 feet 8 inches by 78 feet 9 inches.
 Part Lot 5, south side Alcorn Avenue, Toronto, 15 feet 4 inches by 78 feet 9 inches.
 Part Lots 5 and 4, south side Alcorn Avenue, Toronto, 26 feet 11 inches by 78 feet 9 inches.
 Part Lot 4, south side Alcorn Avenue, Toronto, 18 feet by 78 feet 9 inches.
 Part Lots 2 and 3, south side Alcorn Avenue, Toronto, 50 feet by 52 feet 6 inches.
 Part Lot 67 and Lots 68 and 69, north side Alcorn Avenue, Toronto, 75 feet by 78 feet 9 inches.
 Lot 70, north side Alcorn Avenue, Toronto, 31 feet by 78 feet 9 inches.
 Lot C and part Lot B, north side Alcorn Avenue, Toronto, 45 feet by 78 feet 9 inches.
 Part Lot 1, north side Alcorn Avenue, Toronto, 49 feet 10 inches by 60 feet.
 Part Lots 2 and 3, south side Walker Avenue, Toronto, 23 feet 10 inches by 87 feet 4 inches.
 Part Lots 2 and 3, south side Walker Avenue, Toronto, 36 feet by 87 feet 4 inches.
 Lot C, south side Woodlawn Avenue, Toronto, 19 feet 5 inches by 150 feet.
 Lot B, south side Woodlawn Avenue, Toronto, 19 feet 6 inches by 150 feet.
 Lot A, south side Woodlawn Avenue, Toronto, 20 feet 4 inches by 150 feet.
 Part Lot 22, north side Woodlawn Avenue, Toronto, 28 feet by 178 feet 7 inches.
 Part Lot 22, north side Woodlawn Avenue, Toronto, 39 feet 3 inches by 178 feet 7 inches.
 Part Lot 20 and Lot 21, west side Yonge Street, Toronto, 40 feet by 100 feet.
 Part Lot 24 and lane, south side of Farnham Avenue, Toronto, 23 feet by 167 feet.
 Lots 25, 26, 27, 28 and 29, west side Yonge Street, Toronto, 167 feet 10 inches by 131 feet.

BUILDINGS IN NORTH TORONTO.

- 18 Birch Avenue, semi-detached dwelling, two-storey red brick 17 feet by 24 feet, with annex, 26 feet by 13 feet.
 16 Birch Avenue, semi-detached dwelling, two-storey red brick, 17 feet by 24 feet, with annex, 26 feet by 13 feet.
 1212 Yonge Street, detached store, two-storey rough-cast and brick veneer, 20 feet 6 inches by 38 feet.
 1306 Yonge Street, detached dwelling, two-storey red brick, 27 by 31 feet 6 inches, occupied.
 1312 Yonge Street, detached dwelling, two-storey white brick, 25 feet 6 inches by 43 feet 5 inches.

ROADWAY.

Extending from Toronto north city limits on Yonge Street to a point distant approximately 21.15 miles near Mulock's Corners including bridges, trestles and culverts, track-work with all turnouts and sidings, poles and fixtures, railway direct current power distribution system with feeders and telephone system, and signs.

Roadway on private right-of-way extending from Mulock's Corners to Sutton, a distance of 27.51 miles, including bridges, trestles and culverts, track-work with all turnouts and siding, poles and fixtures, railway direct current power distribution system with feeders and telephone system, fences and signs.

The foregoing items do not include conductors transmitting alternating current nor poles, cross-arms, pins, insulators, conductors, lighting equipment, transformers, switches, meters and other accessories used exclusively for the transmission, distribution or use of alternating current power whether owned by the Commission or by a municipality and also do not include the poles on Yonge Street, between the north limit of the City of Toronto and York Mills Substation carrying 13 Kilovolt circuits, but do include a single-phase 2100-V. circuit on these poles from York Mills Substation to the North Toronto Terminal.

ROADWAY MACHINERY AND TOOLS.

Roadway machinery and tool equipment in possession of maintenance-of-way forces on way and structures.

	Right-of-Way	Acres
At Grand Trunk overhead crossings.....	6.80	
Aurora.....	0.59	
Yonge Street, to Newmarket.....	14.181	
Through Newmarket.....	5.394	
Newmarket to Jackson's Point.....	206.364	
Jackson's Point to Sutton.....	11.201	
Gravel pit right-of-way to Oak Ridges.....	6.32	
Interchange C.N.O. Rly., Richmond Hill.....	5.32	

OTHER LANDS.

Mount Pleasant Car Barns, Yonge Street, 150 feet by 168 feet 10 inches and 149 feet 10 inches.

Terminal North Toronto.

Part Lot 8, Concession 1, east of Yonge Street, Township North York.
 Lots 2, 3 and 4, Registered Plan 1578, City of Toronto.
 Lots 8, 9 and 10, Registered Plan 1578, City of Toronto.
 Part Lot 4, Registered Plan 1488, City of Toronto.
 Part of Doncliffe Drive, as shown on Plan registered in the Registry Office for the Registry Division of the County of York as No. 1488, Township of North York.

Part Lot 3, Plan D14, Chestnut Street, Toronto, north 20 feet.
 Substation property, York Mills, 150 feet by 147 feet.
 Station property, Richmond Hill, 58 feet by 137 feet.
 Bond Lake property, Blocks B, C and D, 160.4 acres.
 Station property, Aurora, 80 feet by (198 and 275 feet).
 Gravel Pit, Oak Ridges, 34.24 acres.
 Substation property, Sedore, part Lot 11, Lake Concession, Township of North Gwillimbury, one-half acre.

MORTGAGES ON LANDS.

Name	Amount of Mortgage	Pay- ments on account	Balance due on 31st Oct., 1926	Int- erest rate	Date due
Badminton Club...	\$20,000 00	Nil	\$20,000 00	6%	July 8, 1929
" "	1,000 00	100 00	900 00	7%	Dec. 4, 1929
W. B. Charlton ...	4,500 00	200 00	4,300 00	7%	Sept. 3, 1929
Amy L. Edwards...	5,000 00	700 00	4,300 00	6½%	Feb. 1, 1928
1430 Yonge.....	30,000 00	450 00	29,550 00	6%	Oct. 23, 1930
" "	20,000 00	450 00	19,550 00	6%	Oct. 23, 1930
F. S. Livingston ...	5,500 00	500 00	5,000 00	7%	April 15, 1929
MacKechnie.....	20,000 00	2,000 00	18,000 00	6%	July 15, 1930
McDermid Bros....	8,500 00	1,750 00	6,750 00	6½%	Mar. 15, 1928
Provincial Bond Co.	25,000 00	900 00	24,100 00	7%	July 15, 1929
" "	25,000 00	900 00	24,100 00	7%	July 15, 1929
" "	8,500 00	450 00	8,050 00	7%	July 15, 1929
" "	8,000 00	450 00	7,550 00	7%	July 15, 1929
" "	8,000 00	450 00	7,550 00	7%	July 15, 1929
St. James Court....	50,000 00	2,250 00	47,750 00	7%	Jan. 15, 1930

**SHOPS, CARRIAGES, STATIONS, MISCELLANEOUS BUILDINGS AND
STRUCTURES.**

- Terminal station and shelter, Yonge Street, City limits.
 Freight shed and car barns, Yonge Street, City limits; conductor's building, oil house.
 Mount Pleasant—Paint and repair shop, 28 feet 6 inches by 73 feet, frame building.
 Bond Lake—Car barns, 107 feet 8 inches by 41 feet 2 inches, white brick building, roof steel truss with slate.
 Newmarket—Car barns, irregular (7,348 square feet), frame building, galvanized corrugated iron siding, roof flat, felt gravel.
 Thornhill Golf Club (Stop 17)—Shelter 12 feet by 8 feet, galvanized.
 Lot 40 (Stop 23)—Shelter, 10 feet 2 inches by 7 feet 11 inches, frame building on sills, shingle French roof.
 Richmond Hill—Station and freight room, 33 feet 2½ inches by 22 feet 2½ inches, frame building, shingle roof.
 Summit Golf Club (Stop 32)—Galvanized shelter, 12 feet by 8 feet.
Bond Lake:
 Dwelling, 24 feet 4 inches by 16 feet 2 inches, 1½-storey frame building with 1-storey Ell, 20 feet 6 inches by 12 feet 4 inches.
 Garage, 16 feet 3 inches by 9 feet 3 inches, frame building, shingle roof.
 Lavatory, 8 feet by 6 feet, frame lean to building, with shingle slope roof.
 Double dwelling, 40 feet 4 inches by 21 feet 10 inches, 1½-storey frame building, concrete foundation, shingle roof, with 1-storey Ell, 21 feet 6 inches by 12 feet 4 inches.
 Barn, 23 feet 3 inches by 19 feet 7 inches, frame building, shingle roof.
 Dwelling, 30 feet 6 inches by 18 feet 6 inches, frame building, 1½-storey concrete foundation, shingle roof, and Ell, 14 feet by 12 feet 6 inches.
 Cottage, 30 feet 8 inches by 30 feet 8 inches, frame building, masonry foundation, shingle roof.
 Platform shelter, 59 feet 1 inch by 13 feet 2 inches, with frame cover, 48 feet 8½ inches by 26 feet 6 inches.
 Dwelling, 20 feet 3 inches by 18 feet 4 inches, 1½-storey frame building, shingle roof, and Ell, 16 feet 4 inches by 18 feet 5 inches, with store, 14 feet 5 inches by 17 feet.
 Barn, 30 feet 2 inches by 24 feet 3 inches, frame building.
 Cook house, 31 feet 2 inches by 22 feet 3 inches, frame building, on posts.
 Pavilion, 80 feet 7 inches by 42 feet 8 inches, frame cover, shingle roof.
 Pavilion annex, 37 feet 2 inches by 28 feet 6 inches, frame cover, shingle roof.
 Pavilion, 49 feet 6 inches by 30 feet, frame cover, shingle roof.
 Boat house, 45 feet 9 inches by 24 feet 5 inches, frame building, shingle flat roof.
 Two pump houses, 8 feet 4 inches by 7 feet 2 inches by 7 feet 2 inches.
 Water tower, 8 feet diameter.
 Wading pool, concrete, 30 feet by 30 feet by 2 feet.
 Two pergolas, 10 feet by 7 feet.
 Bridge, 30 feet long, timber and steel.
 Gasoline service station, 12 feet 3 inches by 8 feet, with 12-foot 3-inch by 9-foot 6-inch lean-to.
 Refreshment stand, 35 feet by 23 feet, frame. Combined lavatory and sewage disposal tank.
 Aurora Station—Freight room and dwelling, 64 feet 4 inches by 24 feet, 2-storey frame building, covered with sheet metal roof, paper and shingles.
Newmarket:
 Dwelling, 25 feet 4 inches by 19 feet 5 inches, 1½-storey frame building, concrete foundations, with 1-storey Ell, 12 feet 3 inches by 10 feet 1 inch, and lean-to, 10 feet 8 inches by 18 feet 4 inches, slope roof.
 Station, freight house and dwelling, 41 feet by 22 feet 10 inches, 2-storey frame building, shingle roof, with 1-storey freight room, 50 feet 7 inches by 22 feet 10 inches, sheet metal siding, shingle and sheet tin roof.
 Sharon (Stop 56)—Galvanized shelter, 12 feet by 8 feet.

Doan's Side Road (Stop 57)—Shelter and freight room, 20 feet 6 inches by 12 feet 4 inches, frame building, shingle roof.
 Queensville—Station and freight room and dwelling, 36 feet 2 inches by 19 feet, 2-storey frame building.
 Holborn's Crossing (Stop 59)—Station and freight room, 24 feet 2 inches by 16 feet 4 inches, frame building, shingle roof.
 Boag's (Stop 60)—Station and freight room, 24 feet 2 inches by 16 feet 4 inches, frame building, shingle roof.
 Cowisson's (Stop 61)—Freight shed, 12 feet by 8 feet, frame lean-to, slope roof.
 Ravenshoe (Stop 62)—Station and freight room, 24 feet 2 inches by 16 feet 4 inches, frame building, shingle roof.
 Peters (Stop 63)—Freight shed, 16 feet 4 inches by 12 feet 4 inches, frame building, shingle roof.
 Keswick (Stop 65)—Station and freight room, 34 feet 4 inches by 15 feet 2 inches, frame building; tool house, 16 feet 4 inches by 12 feet 5 inches, frame building.
 Orchard Beach (Stop 68)—Galvanized shelter, 12 feet by 8 feet, with freight shed.
 Boyers (Stop 69)—Station and freight room, 24 feet 2 inches by 16 feet 4 inches, frame building, shingle roof.
 Roche's Point (Stop 70)—Shelter, 15 feet 8 inches, frame building.
 Stop 70½—Platform.
 Base Line (Stop 71)—Shelter, 14 feet by 7 feet, frame building.
 Hamilton's Crossing (Stop 72)—Shelter, 14 feet by 10 feet, frame building.
 Brighton Beach (Stop 73)—Platform.
 Varney Road (Stop 74)—Platform.
 Eastbourne (Stop 75)—Shelter, 9 feet 6 inches by 12 feet 4 inches, frame building, shingle roof.
 Island Grove (Stop 76)—Station and freight room, 32 feet 4 inches by 16 feet 4 inches, frame building, on concrete posts, shingle roof.
 Pugsley's (Stop 77)—Galvanized shelter, 12 feet by 8 feet.
 Crescent Beach (Stop 79)—Shelter and freight room, 20 feet by 16 feet, frame building, shingle roof.
 Willow Beach (Stop 80)—Platform.
 Sedore (Stop 81)—Station and freight shed, 24 feet 2 inches by 16 feet, frame building, shingle roof.
 Salvation Army (Stop 83)—Shelter, 12 feet by 16 feet, frame building.
 Glen Sibbald (Stop 85)—Platform.
 Jackson's Point (Stop 87)—Platform, shelter and freight room, frame cover to concrete platform, 32 feet 6 inches by 51 feet, including freight room, 21 feet 2 inches by 10 feet 6 inches, and office, 11 feet by 12 feet 2 inches.
 Sutton (Stop 88)—Station, freight room and dwelling, 40 feet 3 inches by 35 feet 4 inches, 2-storey frame building, sheet metal and brick first storey, and clap-board second storey, shingle roof.
 Mount Pleasant—Store house, 2-storey brick building.

FURNITURE.

Furniture and fixtures in the following buildings:

Furniture used by T. & Y. District operating staff at 110 Elm Street, Toronto.
 Furniture used by T. & Y. District operating staff at 59 Murray Street, Toronto.
 Sherbourne Street Stores Department.
 Ticket Office, Waiting Room and Freight Shed, City limits, Yonge Street.
 Richmond Hill Station and Freight House.
 Aurora Station and Freight House.
 Newmarket Station and Freight House. •
 Queensville Station.
 Keswick Station.
 Jackson's Point Station.
 Mount Pleasant Storeroom
 Sutton Station.
 At various points along line fifteen loading platforms.

MISCELLANEOUS EQUIPMENT.

Nine automobile trucks.
Two motorcycles.
Three trailers.

MATERIAL AND SUPPLIES.

All material and supplies at the following places:
Sherbourne Street Storehouse.
Terminal Yonge Street City limits.
S. & A. Junction Material Yard.
Newmarket and various places along the line.

PASSENGER CARS.

19 double truck, double and closed passenger cars.

FREIGHT AND EXPRESS CARS, SERVICE EQUIPMENT AND LOCOMOTIVES.

5 single truck, miscellaneous cars.
50 double truck, miscellaneous cars and locomotives.
3 gasoline section cars.

ELECTRICAL EQUIPMENT FOR SAID CARS, SERVICE EQUIPMENT AND LOCOMOTIVES.

General Electric	No. 90	motors, 50 h.p.—34	motors.
" "	No. 57	50 h.p.—46	"
" "	No. 67	40 h.p.—16	"
" "	No. 1000	35 h.p.— 6	"
Westinghouse	No. 101	40 h.p.—28	"
"	No. 562	100 h.p.— 4	"

SHOP EQUIPMENT.

- 1 pinion puller, complete (air).
- 1 acetylene welding and cutting torch (complete).
- 1 small lathe.
- 1 Field winding machine.
- 1 3-ton portable crane.
- 1 Clark and Derhill (Galt) 16 inches, jointer head table $22\frac{1}{2}$ inches by 7 inches by 3 feet.
- 1 band-saw frame.
- 1 160-ton wheel press.
- 1 heavy axle and wheel lathe with chuck 18 feet bed.
- 1 15 h.p. A.C. motor and accessories.
- 1 Bertram lathe, 14-foot bed with 21 inches swing.
- 1 lathe with 8-foot bed, with 20 inches swing.
- 1 iron shaping machine (London Mach. Co.), 25-inch stroke.
- 1 emery stand.
- 1 14-inch power hack saw.
- 1 bolt cutting machine.
- 1 radial drill, 36-inch swing (London Mach. Tool Co.).
- 1 20-inch drill press.
- 1 trip hammer (motor driven).
- 1 30-foot monorail (6 feet 1 inch) overhead crane.
- 1 Reavell Co., Ltd., quadruplex air compressor No. 2105.
- 1 motor for above—65 B.H.P., 250 R.P.M., 110 amps., 500 volts.
- 1 automatic switchboard for same (Bruce Peebles Co., Scotland).
- 1 Canadian Rand compressor, size 0, No. 4787.
- 1 motor for same, C.G.E. Class 3-35-650, 35 h.p., form B., 60 amps., 500 volts, 650 r.p.m.
- 1 hydraulic rail bender.
- 1 rail saw.
- 1 bonding machine, Type B.

And all small tools, miscellaneous equipment, motor parts, control parts and other miscellaneous parts, air brake equipment, trucks, wheels on axles, miscellaneous car parts, store-room supplies and compressor parts in shops.

SUBSTATIONS AND SUBSTATION RAILWAY EQUIPMENT.

Property Used for Railway Purposes.

All direct current equipment and material is included, but none of the alternating current equipment or material in the substation buildings or on the substation sites is included except service transformers, lighting connections and the switching equipment between the alternating current low voltage busses and the motors and except such other equipment as is specifically noted.

York Mills Substation.

Brick building, 30 by 60 feet (approximate).

Railway equipment:

2 500-k.w. induction motor generator sets with switching equipment.

1 2,100-volt single phase feeder equipment.

Bond Lake Substation.

Brick buildings, 20 by 28 feet and 100 by 100 feet.

Railway equipment:

1 500-k.w. induction motor generator set with switching equipment.

1 500-k.w. synchronous motor generator set with switching equipment.

Spare motor generator equipment.

Newmarket Substation.

Brick building, 40 by 80 feet.

Railway equipment:

2 500-k.w. induction motor generator sets with switching equipment.

Keswick Substation.

Frame and sheet-iron buildings, 50 by 75 feet and 10 by 10 feet.

Railway equipment:

1 500-k.w. induction motor generator set with switching equipment.

Sedore Substation.

Brick building.

Railway equipment:

1 500-k.w. induction motor generator set (moved from Bond Lake Substation.)

All alternating current equipment excepting metering with current and potential transformers.

SCHOMBERG AND AURORA RAILWAY.

RIGHT-OF-WAY.

Right-of-Way—121.829 acres.

OTHER LANDS.

S. & A. Junction property—7.10 acres.

Grand Trunk Interchange—7.37 acres.

Substation, Kettleby—0.595 acres.

Schomberg Station Yard—1.781 acres.

ROADWAY.

Roadway, extending from S. & A. Junction to Schomberg, including grading track work, with sidings and turn-outs, bridges, trestles and culverts, railway D.C. power distribution system, telephone system, fences and signs.

The foregoing items do not include conductors' transmitting alternating current, nor poles, crossarms, pins, insulators, conductors, lighting equipment, transformers, switches, meters and other accessories used exclusively for the transmission, distribution or use of alternating current power whether owned by the Commission or a municipality.

ROADWAY, MACHINERY AND TOOLS.

Roadway, machinery and tool equipment in possession of gang on maintenance-of-way and structures.

STATIONS AND MISCELLANEOUS BUILDINGS.

Schomberg Junction Station—Freight shed and tool house.
 Eversley (Stop 160)—Shelter, 14 feet by 11 feet, frame building, shingle roof.
 Stop 163—Shelter, 14 feet by 11 feet, frame building, shingle roof, tool house.
 Kettleby (Stop 166)—Shelter and freight room, 19 feet 8 inches by 13 feet 10 inches.
 Schomberg—Station and dwelling, 33 feet $2\frac{1}{2}$ inches by 21 feet, one-storey brick building with one-storey frame; ell, 17 feet $3\frac{1}{2}$ inches by 17 feet 5 inches.
 Freight house, 28 feet 4 inches by 18 feet 3 inches, frame; tool house.

FURNITURE.

Furniture and fixtures in the following buildings:

Schomberg Junction Station and freight shed and Schomberg station and freight house.

SUBSTATION AND SUBSTATION RAILWAY EQUIPMENT.

Schomberg and Aurora Substation—Brick building, 21 feet by 30 feet.

Railway equipment:

1 500-k.w. induction motor generator set.

All switching equipment in station excepting alternating current metering equipment, including current and potential transformers.

MATERIALS AND SUPPLIES.

All materials and supplies stored along the line.

MIMICO DIVISION.

The Mimico Division, as understood in this agreement, shall include all of the right-of-way, other lands and real estate, road bed, bridges, trestles, culverts, fences, signs, track, track tools, poles and fixtures, railway direct current distribution system, shops, car houses, offices, stations, miscellaneous buildings, passenger cars, freight cars, service cars, shop equipment, furniture, stores, substation buildings with their railway equipment, all operated as the Mimico Division and consisting of a single track line of electrical radial railway with sidings, spurs, and all necessary appurtenances, extending from the westerly limits of the City of Toronto, on the Toronto and Hamilton Highway to Port Credit, a distance of 8.37 miles, all as set out more particularly in the following schedule:—

RIGHT-OF-WAY.

At Mimico Creek, 2,756 feet.....	2.71	acres
Mimico property.....	0.88	"
West of New Toronto, 37 feet by 1,705 feet.....	1.45	"
Long Branch (45 feet and 50 feet) by 1,416 feet.....	1.52	"
At Etobicoke Creek, 3,415 feet.....	6.77	"

Other Lands:

Humber property, Lake Shore Road and Queen Street:

344 feet by (143 feet and 95 feet)

75 feet by 210 feet.

63 feet by 219 feet.

25 feet by 233 feet.

1,967 acres

Subject to the right of the Hydro-Electric Power Commission of Ontario to maintain and operate on the said Humber property its towers and transmission lines now situate thereon.

Lakeview Substation property:

Lot 25, Registered Plan C. 23, Township of Toronto.
Northwest corner East Avenue and Lake Shore Road.

ROADWAY.

Extending from Toronto West City limits on Lake Shore Road to Port Credit, including bridges, trestles and culverts, track work with all turnouts and sidings, poles and fixtures, railway direct current power distribution system with feeders and telephone system, fences and signs.

The foregoing items do not include conductors transmitting alternating current nor poles, cross-arms, pins, insulators, conductors, lighting equipment, transformers, switches, meters and other accessories used exclusively for the transmission, distribution or use of alternating current power whether owned by the Commission or by a municipality.

Roadway, machinery and tool equipment in possession of maintenance-of-way force on way and structures.

FURNITURE.

Furniture and fixtures in the following buildings:
Foreman's office at car barns.

PASSENGER AND MISCELLANEOUS CARS.

24 motor passenger cars and one set trucks and motors.
8 miscellaneous cars.

Motor Equipment for Cars:

General Electric,	67	motors,	40 h.p.—	44
"	57	"	50 h.p.—	28
"	265	"	35 h.p.—	32

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STATIONS AND MISCELLANEOUS BUILDINGS.

Humber—Shelter and candy shop, irregular shape, frame building.
Freight building, used as a real estate office, located on property at Lake Shore Road and Queen Street.
Stop 5—Shelter, 10 feet by 6 feet, frame lean-to.
Stop 15—Shelter, 10 feet by 6 feet, frame lean-to.
Stop 28—Shelter, 12 feet by 8 feet, galvanized.
Stop 30—Shelter, 10 feet by 6 feet, frame lean-to.
Stop 36—Shelter, 10 feet by 6 feet, frame lean-to.
Stop 34—Shelter, 12 feet by 8 feet, galvanized.

SUBSTATIONS AND SUBSTATION RAILWAY EQUIPMENT.

Humber Substation—Sheet-iron building.

Railway Equipment:

Two 500-k.w. induction motor generator sets with switching equipment and alternating current switching equipment between the 4,000-volt bus and the motors; also with line disconnecting switches, lightning arresters, service transformers and lighting connections.

Lakeview Substation—Sheet-iron building.

Railway Equipment:

One 500-k.w. rotary converter with transformers and switching equipment. Alternating current metering equipment, including current and potential transformers and panels is not included.

MATERIAL AND SUPPLIES.

All materials stored along the line.

SHOP EQUIPMENT.

All small tools and electrical equipment, air-brake equipment, trucks, miscellaneous car parts and miscellaneous storeroom supplies, in Lake Shore Road car barns.

Also all right, title and interest, if any, of the Hydro-Electric Power Commission of Ontario in the railway property and equipment used in connection with the Mimico Division which are located east of the westerly limits of the City of Toronto, including the bridge over the Humber River, tracks to the Jane Street loop and to car-house, also overhead feeders, car-house and shops, together with the right to use, to such extent as may from time to time be necessary for the operation of the Mimico Division, so much of the land of the Hydro-Electric Power Commission of Ontario, formerly part of the Lake Shore Road, as are now occupied by the said railway property and equipment and used in connection with the Mimico Division, for such time as such use may be required, but not exceeding a period of five years from the time of transfer; provided, that upon the termination of such use the Corporation of the City of Toronto will at its own expense remove all of the said railway property and equipment from the lands of the Commission within six months from such termination, and in default of such removal the said railway property and equipment shall become the property of the said Commission; and provided also that the Corporation so long as it continues to use the said portions of the Commission's lands occupied by the said railway property and equipment will assume payment of all taxes payable in respect to the said lands.

SCARBORO DIVISION.

The Scarboro Division, as understood in this agreement, shall include all of the right-of-way, other lands and real estate, road-bed, bridges, trestles, culverts, fences, signs, track, track tools, poles and fixtures, railway direct current power distribution system, shops, car houses, offices, stations, miscellaneous buildings, ballast pits, park and resort property, passenger cars, freight cars, service cars, shop equipment, furniture, stores, substation buildings with their railway equipment, all operated as the Scarboro Division, and consisting of a single-track line of electric radial railway, with sidings, spurs, and all other necessary appurtenances, extending from the easterly limits of the City of Toronto on the Kingston Road to West Hill, a distance of 8.3 miles, together with certain parcels of real estate, all as set out more particularly in the following schedule:—

RIGHT-OF-WAY.

1.85 miles, generally 40 feet wide—11.91 acres.
Other lands:

Terminal Station:

Lot 131 South 46.9 feet.

Lot 132, registered plan 1701, Township of Scarboro.

Part of Lot No. 35, Con. A., Township of Scarboro, 5,170 square feet.

Part of Lot 170 and 171, registered plan 1701, Township of Scarboro, 30 feet frontage, Kingston Road.

Substation property:

Part of Lot No. 35, North side Kingston Road.

Scarboro Township, 100 feet by 200 feet—0.458 acres.

Car Barn property:

Part of Lot No. 32, south side Kingston Road.

Scarboro Township, 157 feet by (180 feet, 253 feet)—0.75 acres.

Park property:

Part of Lot No. 21, south side Kingston Road.

Scarboro Township, 791 feet x 4,013 feet—58.2 acres.

Farm near gravel pit:

Part of Lot No. 14, north side Kingston Road.

Scarboro Township—58 acres.

ROADWAY.

Extending from easterly limits of Toronto on the Kingston Road to West Hill, including bridges, trestles and culverts, track work, with all turnouts and sidings, poles and fixtures, railway direct current power distribution system, with feeders, telephone system, fences and signs.

The foregoing items do not include conductors transmitting alternating current, nor poles, crossarms, pins, insulators, conductors, lightning equipment, transformers, switches, meters and other accessories used exclusively for the transmission, distribution or use of alternating current power whether owned by the Commission or by a municipality.

ROADWAY, MACHINERY AND TOOLS.

Roadway, machinery and tool equipment in possession of maintenance-of-way forces on way and structures.

STATIONS, MISCELLANEOUS BUILDINGS AND STRUCTURES.

Terminal Station—Victoria Park Avenue.

Stop 18—Car barns, 122 feet by 60 feet, brick building, flat roof.

Stop 12—Galvanized shelter, 12 feet by 8 feet.

Stop 14—Frame shelter.

Stop 16—Shelter, 7 feet by 4 feet 2 inches, frame building.

Scarboro Heights (Stop 21)—Pavilion, 79 feet 8 inches by 40 feet 7 inches, frame building; cook house, roof, 16 feet 2 inches by 14 feet 2 inches, frame building; ell, 12 feet by 5 feet.

Stop 24—Shelter, 10 feet 4 inches by 10 feet 3 inches, frame building, French roof.

Station 357—Tool house, 16 feet 4 inches by 12 feet, frame building.

Stop 33—Shelter, 10 feet by 8 feet, frame building.

Stop 35—Frame shelter, West Hill.

FURNITURE.

All furniture and fixtures contained in car barns.

SUBSTATION AND SUBSTATION RAILWAY EQUIPMENT.

Scarboro Substation:

Frame buildings, 37 feet by 20 feet and 23 feet by 15 feet.

Railway equipment:

One 500-k.w. induction motor generator set with direct current switching equipment and with alternating current switching equipment between alternating current low voltage busses and motor; also with lighting connections.

PASSENGER, SERVICE AND MISCELLANEOUS CARS.

2 single truck passenger cars.

11 double truck passenger cars.

4 miscellaneous cars.

Electric equipment for said cars:

General Electric, 67 motors, 40 h.p.—32

“ “ 57 “ 50 h.p.—6

Westinghouse 101 B motors—40 h.p.—2

“ 306 “ 60 h.p.—20

Total motors.....60

SHOP EQUIPMENT.

All small tools contained at Scarboro shops.

MATERIALS AND SUPPLIES.

All electrical equipment, air-brake equipment, truck parts, miscellaneous car parts, and miscellaneous storeroom supplies and all materials and supplies stored at various points along the line.

MORTGAGES ON LANDS.

Name of Mortgagor	Amount of Mortgage	Payments on Account	Balance due on 31st Oct., 1926	Interest rate	Date due
W. E. McKay ..	\$11,500 00	\$1,500 00	\$10,000 00	7%	Feb. 9, 1930
A. J. Skeans....	3,600 00	200 00	3,400 00	6%	Jan. 15, 1930
Standard Securities Corporation.....	5,200 00	Nil	5,200 00	6%	Oct. 1, 1930

SCHEDULE TWO.

This agreement made the seventh day of January, A.D. 1927.

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO,
(hereinafter called "the City"),

of the first part,

—and—

THE TORONTO TRANSPORTATION COMMISSION,
(hereinafter called "the Commission"),

of the second part.

Whereas by *The Toronto Radial Railways Act, 1926*, the City was authorized to enter into an agreement with the Hydro-Electric Power Commission of Ontario with the approval of the Lieutenant-Governor in Council to provide for the transfer from the said Hydro-Electric Power Commission of Ontario to the City of the radial railways vested in and operated by the said Hydro-Electric Power Commission of Ontario on behalf of the City under the provisions of *The Toronto Radial Railways Act, 1921*, and the agreements therein authorized to be made;

And whereas the City has entered into an agreement with the Hydro-Electric Power Commission of Ontario dated the sixth day of January, 1927, under the authority of *The Toronto Radial Railways Act, 1926*, providing for the transfer to the City at midnight on the fifth day after the day on which the Order-in-Council approving said agreement is issued (which time is in said agreement and hereinafter referred to as the "time of transfer") of the operation and control of, and all right, title and interest vested in the said Hydro-Electric Power Commission of Ontario by *The Toronto Radial Railways Act, 1921*, in the said railways, comprising:—

- (a) The Metropolitan Division, including the Schomberg and Aurora Railway;
- (b) The Mimico Division, and
- (c) The Scarborough Division,

as more particularly set forth and described in the Schedule to the said agreement, which railways as described in the said Schedule are hereinafter referred to as "the railways."

And whereas by *The Toronto Radial Railways Act, 1926*, it is further provided that the City may, after the railways have been transferred to it, transfer the control, management and operation of the railways to the Toronto Transportation Commission upon such terms as may be agreed upon; and that upon such transfer being made the Toronto Transportation

Commission shall possess in respect to the railways and any extension thereof all the powers of control, management and/or operation conferred upon the City by the said *The Toronto Radial Railways Act, 1926*;

Now therefore this agreement witnesseth that the City and the Commission have agreed as follows, namely:—

1. The City hereby transfers to the Commission the control, management and operation of the railways to take effect from and after the time of transfer from the Hydro-Electric Power Commission of Ontario to the City and thereafter all the powers, rights, authorities and privileges of the City as to control, management and/or operation of the railways and future extensions or additions to such railways, or any transportation service to be operated in connection with such railways shall be exercised by the Commission and not by the Council of the City.

2. The Commission will thereafter control, manage and operate such railways or transportation services on behalf of the City, subject to the provisions of this agreement, so as to secure the most effective operation and service of the same consistent with good management and so as to make, as far as possible, the same self-sustaining as provided for in paragraph 4 (b) hereof.

3. (a) The City will from time to time furnish to the Commission on demand such moneys as it may require to carry out its powers and duties hereinunder, including such sum in excess of operating revenues as may be required to meet the full cost of maintenance and operation, which cost shall include such maintenance, renewals, depreciation and debt charges as the Commission shall think proper; notwithstanding anything in the foregoing, any moneys requested by the Commission for new capital expenditure shall only be furnished it when approved by the Council of the City.

(b) Any moneys provided by the City as above shall, upon the certificate of the Commission, be paid out to it by the treasurer of the City.

(c) All moneys furnished by the City to the Commission for the creation of capital assets only as herein provided shall be added to and form part of the capital indebtedness of the railways.

4. The Commission shall, in particular, but not so as to restrict its general powers and duties, have, with reference to the said railways, the following powers and duties, namely:—

(a) To add to or extend the railways by lines of railway, motor bus routes or other means of transportation, and to control, maintain, operate and manage such additions or extensions.

(b) To fix such tolls and fares so that, as far as possible, all transportation facilities entrusted to it by this agreement shall be self-sustaining after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper.

(c) To permit and/or obtain such interchange of traffic or through running arrangements with other street or electric railways or transportation facilities (including any other services operated by the Commission) as the Commission may consider advisable for the carriage of passengers, package freight or express.

5. The Commission may make such agreements with any municipal corporations through which any of the transportation services of the Commission pass or any adjoining municipal corporation which is desirous of transportation service in its territory for participation by the said municipal corporation in the furnishing of such transportation service upon such terms and conditions as the parties to any such agreement may deem proper; provided, however, that no such agreement shall have any force and effect until it is ratified by by-law of the Council of the City.

6. The Commission will keep separate books of account in respect of

the matters entrusted to it by this agreement and will enter therein all items received or expended in respect of such matters, and such books of account shall show separately the receipts and expenditures relating to the Metropolitan Division, the Schomberg and Aurora Railway, the Mimico Division, and the Scarborough Division, or such other division of its operation as may from time to time be natural and proper.

7. All moneys received by the Commission by virtue of the exercise of any of the powers or duties conferred by this agreement shall be kept entirely separate from any other moneys in its possession and it shall be illegal for the Commission to use or resort, whether by way of loan or otherwise, to such first-named moneys for any purpose not contemplated by this agreement or to use or resort in a like manner to any other moneys in its possession in aid of the execution of any of the purposes contemplated by this agreement.

8. In case of joint operation or user of any works or facilities by the transportation services referred to in this agreement and any other transportation facilities operated by the Commission, the Commission may, unless otherwise precluded therefrom, make a fair and equitable apportionment of any revenues or expenditures between or among the various facilities from time to time entrusted to its management.

9. Immediately after the close of each calendar year the Commission shall submit to the Council of the City a completely audited balance sheet and certified financial statement of the affairs entrusted to it by this agreement, including a revenue and expense account, and profit and loss statement of each division of the railways, and said statement shall be accompanied by a general report of the operations of the Commission under this agreement during the year.

10. All books, documents, transactions and accounts of the Commission shall at all times be open for inspection by the Audit Department of the City.

11. All claims or actions for alleged negligence in the operation of the railways shall be dealt with by the Commission and the Commission shall have the conduct and control of all such claims or actions made or brought against either the City or the Commission and may defend or compromise the same as it deems expedient, and all expenses in connection with any such claims or actions shall be paid out of the revenues of the transportation services entrusted to the Commission by this agreement, and the Commission will, to the extent of such revenues, indemnify and save harmless the City from all loss, costs, charges and expenses in respect to all such actions and claims.

12. The Commission will, if it deems advisable after providing for maintenance, repair and operation and such maintenance renewals, depreciation and debt charges as it shall think proper, pay to the City any surplus of revenue over expenditures remaining in its hands at the end of any year in respect of the railways and transportation services entrusted to its management by this agreement.

13. In the event of legislation being required to carry into effect any of the objects of this agreement, the parties hereto agree to use their best endeavours to have such legislation procured.

In witness whereof the parties hereto have hereunto set their Corporate Seals by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

TORONTO TRANSPORTATION COMMISSION

in the presence of:

(Sgd.) "E. J. LENNOX," *pro Chairman,*

(Sgd.) "H. S. CAMERON," *Secretary.*

(SEAL)

THE CORPORATION OF THE CITY OF TORONTO,

(Sgd.) "THOMAS FOSTER," *Mayor.*

(Sgd.) "GEO. H. ROSS," *Treasurer.*

(SEAL)

CHAPTER

CHAPTER 59.

An Act to amend The Ontario Insurance Act, 1924.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Insurance Act*, Short title.
1927.

2. Section 2 of *The Ontario Insurance Act, 1924*, is amended s. 2,
1924, c. 50,
amended. by adding thereto the following paragraph:

42a. "Pension fund association" means a company, Pension
fund
association. corporation or association incorporated prior to the year 1910, under or by virtue of any law of the province of Quebec, for the purpose of providing a pension for those persons who have contributed to a fund therefor during a certain number of years, and includes any auxiliary funds incorporated for the purpose of guaranteeing the repayment of any sum to those who contributed to such pension fund during a certain number of years, or for the purpose of assuring a life pension to those contributing a sum of money to such pension fund, or for these and similar purposes.

3. Subsection 1 of section 23 of *The Ontario Insurance Act, 1924, c. 50,* s. 23, subs. 1,
1924, c. 50,
amended. is amended by adding thereto the following clause:

"(i) Pension fund associations."

4. Section 80 of *The Ontario Insurance Act, 1924*, is s. 80,
1924, c. 50,
amended. amended by adding thereto the following subsections:

(2) When an action is brought against any person in Costs. respect of any matter against which he has been insured and the insurer conducts the defence, if the insurer at any time before the statement of defence is filed, files a notice in the office in which the proceedings are being carried on stating that it is defending the action on behalf of the defendant, the

judge shall, if costs are awarded against the plaintiff, direct the same to be paid to the insurer and, if costs are awarded to the plaintiff, direct the same to be paid by the insurer.

Notice.

- (3) The notice shall form part of the record but the fact that the defendant is insured shall not be communicated to the jury during the course of the trial.

1924, c. 50,
s. 96,
repealed.

- 5.** Section 96 of *The Ontario Insurance Act, 1924*, is repealed and the following substituted therefor:

**Special
Stipulations.**

96. Where the rate of premium is affected or modified by the user, condition, location, or maintenance of the insured property, the policy may contain a clause not inconsistent with any statutory condition setting forth any stipulation in respect of such user, condition, location or maintenance, and such clause shall not be deemed a variation of any statutory condition. Such clause shall be binding on the insured only in so far as it is held by the court before which a question relating thereto is tried to be just and reasonable.

1924, c. 50,
amended.

- 6.** *The Ontario Insurance Act, 1924*, is amended by adding thereto the following section:

**Amendment
of contract.**

- 165a. Where it is proposed to change the subject matter of the insurance by substitution or addition of one or more automobiles, the contract may be amended by an endorsement to that effect on the existing policy, but no contract shall be so amended without a written application containing such particulars in reference to the new subject matter as would be required by section 165 in an application for a contract and signed in accordance with that section.

1924, c. 50,
s. 200, cl. e,
repealed.

- 7.** The clause lettered *c* of section 200 of *The Ontario Insurance Act, 1924*, is repealed and the following substituted therefor:

"(c) If it undertakes old age or endowment insurance other than as authorized in sections 224 and 224a, or annuities upon lives; or"

1924, c. 50,
s. 201, cl. f,
repealed
by 1925, c.
s. 21, cl.
amended.

- 8.** The clause lettered *f* of section 201 of *The Ontario Insurance Act, 1924*, as amended by subsection 2 of section 24 of *The Ontario Insurance Act, 1925*, is amended by adding the words "or (iv) Endowment insurance as authorized in section 224a," so that the clause will now read as follows:

(f) a corporation which undertakes or offers to undertake contracts of insurance other than with its own members exclusively, or for more than \$5,000 payable on the death of any one member other than a funeral benefit, or any contracts of insurance with its members other than:

- (i) Life insurance; or
- (ii) Contracts for the payment of mortuary or funeral benefits; or
- (iii) Old age insurance; or
- (iv) Endowment insurance as authorized in section 224a.

9. Section 224 of *The Ontario Insurance Act, 1924*, is ^{s. 224.} _{c. 50.} amended by striking out the words "the age of sixty-five years or more, and such contracts may provide for such surrender values or other equities as may be approved by the actuary of the society and authorized by its constitution," and substituting therefor the words "any age not less than sixty-five years," so that the section will now read as follows:

224. Notwithstanding anything in this Act a fraternal society licensed under this Act which files with the Superintendent a declaration of an actuary as provided by subsection 2 of section 213 hereof may, if its constitution so provides and subject thereto, issue to its members old age insurance contracts providing for the payment of money due on maturity thereof either at death or upon the insured attaining any age not less than sixty-five years. ^{Old age insurance}

10. *The Ontario Insurance Act, 1924*, is amended by adding ^{s. 224.} _{c. 50.} thereto the following section:

224a. A fraternal society licensed under this Act, having more than five thousand members in the life insurance department, and having made a net increase in the amount of life insurance in force during the two next preceding calendar years, and which has filed with the Superintendent for at least three successive years a declaration of an actuary as provided by subsection 2 of section 213 hereof may, if its constitution so provides and subject thereto, issue to its members endowment insurance contracts providing for the payment of the insurance money to such members at the expiration of twenty or more years. ^{Endowment insurance.}

from the date of such contracts, or to the beneficiary or beneficiaries under any of such contracts in case of death of any of such members prior to the expiration of the endowment period.

1924, c. 50,
amended.

11. *The Ontario Insurance Act, 1924*, is amended by adding thereto the following section:

Surrender
values and
other
equities

224b. A fraternal society licensed under this Act which files with the Superintendent a declaration of an actuary as provided by subsection 2 of section 213 hereof may, if its constitution so provides and subject thereto, grant such surrender values or other equities as may be approved by the actuary of the society and authorized by its constitution.

1924, c. 50,
§ 224a;
(1925, c. 54,
§ 28), re-
numbered.

12. Section 224a of *The Ontario Insurance Act, 1924*, as enacted by section 28 of *The Ontario Insurance Act, 1925*, is re-numbered section 224c.

1924, c. 50,
§ 226;
amended.

13. Section 226 of *The Ontario Insurance Act, 1924*, is amended by adding at the commencement thereof the words "subject to the provisions of subsection 2," and by adding the following subsection:

Exception.

(2) The Minister may, in his discretion, renew the license of any mutual benefit society notwithstanding that it has upon its books, at the time of application for such renewal, less than seventy-five members in good standing.

1924, c. 50,
amended.

14. *The Ontario Insurance Act, 1924*, is amended by adding thereto the following Part:

PART XIA.

PENSION FUND ASSOCIATIONS.

Application.

- 227a.—(1)** The provisions of this Part shall apply to all applications for license of pension fund associations and to such pension fund associations when licensed under the provisions of this Act.
- (2) Subject to the express provisions of this Part, the provisions of this Act applicable to insurers licensed to undertake contracts of life insurance in Ontario, except sections 36 to 63 inclusive, section 69 and Part V, shall apply to all pension fund associations.

227b. In addition to the annual statements required to be filed by every licensed insurer on or before the last day of February in each year, each pension fund association shall file with the Superintendent in such form and at such times as he may require, a valuation of its certificates or contracts of insurance, which valuation shall have regard to the prospective liabilities of the pension fund association under its certificates or contracts of insurance, and to the rates of contribution to be thereafter received from its members on such certificates according to the rates of contribution in force at the date of valuation, and shall be made and certified by an actuary appointed by the pension fund association and approved by the Superintendent, and shall include a valuation balance sheet in such form and detail and according to such standards of valuation, having regard to the table of mortality and the rate of interest to be employed, as the Superintendent may from time to time prescribe.

15. Subsection 13 of section 244 of *The Ontario Insurance Act, 1924*,<sup>1924, c. 50,
s. 244, subs.
13 as
amended
by 1926, c.
49, s. 22.
subs. 3,
amended.</sup> as enacted by subsection 3 of section 22 of *The Ontario Insurance Act, 1926*, is amended by adding after the word "society" in the first line the words "or pension fund association," and by adding after the word "society" in the seventh line, the word "association," so that the subsection will now read as follows:

(13) A member of a duly licensed fraternal society or pension fund association other than a salaried employee who receives commissions, or a member of a mutual fire, weather, or live stock insurance corporation carrying on business solely on the premium note plan, may, without a license, solicit persons to become members of such society, association or corporation.

16. This Act shall come into force on the day upon which it receives the Royal Assent.<sup>Commencement of
Act.</sup>

CHAPTER 60.

An Act to amend The Loan and Trust Corporations Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Loan and Trust Corporations Act, 1927.*

Rev. Stat.
c. 184, s. 18,
subs. 2
(1921, c. 61,
s. 4).
amended.

2. Subsection 2 of section 18 of *The Loan and Trust Corporations Act*, as enacted by section 4 of *The Loan and Trust Corporations Act, 1921*, is amended by adding at the end thereof the words "or upon first mortgages or hypothecs upon real estate in any province in which the company is authorized to carry on business," so that the subsection will now read as follows:

Investment
of funds.

(2) A trust company may invest or loan any money held by it other than trust money in or upon any of the securities authorized by section 27 of this Act or *The Trustee Act*, and may loan any trust money held by it upon any securities authorized by *The Trustee Act*, or upon first mortgages or hypothecs upon real estate in any province in which the company is authorized to carry on business.

Rev. Stat.
c. 184, s. 41,
subs. 2
(1921, c. 61,
s. 9, subs. 1).
amended.

3. Subsection 2 of section 41 of *The Loan and Trust Corporations Act*, as enacted by subsection 1 of section 9 of *The Loan and Trust Corporations Act, 1921*, is amended by adding at the end thereof the words, "provided that the Lieutenant-Governor in Council may, on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount which may be borrowed, to a sum not exceeding eight times the aggregate amount from time to time of such permanent capital, reserve fund and cash," so that the subsection will now read as follows:

Limit of
borrowing
powers of
loan cor-
porations.

(2) The total amount borrowed by a corporation on debentures and other securities and by way of

deposits

deposits shall not exceed four times the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation, plus the amount of its cash actually on hand or in any chartered bank of Canada, to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund; provided that the Lieutenant-Governor in Council may, on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount which may be borrowed, to a sum not exceeding eight times the aggregate amount from time to time of such permanent capital, reserve fund and cash.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 61.

The Municipal Amendment Act, 1927.

Assented to 5th April, 1927.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Short title.

1. This Act may be cited as *The Municipal Amendment Act, 1927.*

**1922, c. 72,
s. 13, subs. 1
amended.**

2.—(1) Subsection 1 of section 13 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the word “freeholders” in the fourth line the words “representing at least one-half of the assessed value of the lands in the district.”

**1922, c. 72,
s. 13, subs. 5,
amended.**

(2) Subsection 5 of the said section is amended by striking out all the words after the word “petition” in the second line, and substituting therefor the words “nor until further notice has been given of the meeting of the council at which it is intended to take it into consideration.”

**1922, c. 72,
s. 13, subs. 6,
amended.**

(3) Subsection 6 of the said section is amended by inserting after the word “weeks” in the second line the words “during the two months next preceding the meeting.”

**1922, c. 72,
s. 53, subs. 1,
cl. 8; (1923,
c. 41, s. 1)
amended.**

3.—(1) Clause *s* of subsection 1 of section 53 of *The Consolidated Municipal Act, 1922*, as amended by 1923, c. 41, s. 1, is further amended by striking out the words “a person who at the time of the election is liable for any arrears of taxes to the corporation of the municipality” and substituting therefor the words “a person whose taxes at the time of the election are overdue and unpaid.”

**1922, c. 72,
s. 53, subs. 2,
cl. 4,
amended.**

(2) Clause *t* of subsection 1 of section 53 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words “arrears of taxes” in the third line and substituting therefor the words “taxes overdue and unpaid.”

**1922, c. 72,
s. 53, subs. 2,
cl. 9,
repealed.**

(3) Clause *g* of subsection 2 of section 53 of *The Consolidated Municipal Act, 1922*, is repealed.

**1922, c. 72,
s. 56, subs. 8,
amended.**

4. Subsection 6 of section 56 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the words “farmer’s son” in the second line the words “by reason of not having resided upon the farm as therein required.”

5. *The Consolidated Municipal Act, 1922*, is amended by <sup>1922, c. 72
amended</sup> adding the following section:

58a. Any man or woman entered upon the list as the husband or wife of a tenant who is disqualified from voting under the provisions of the two next preceding sections shall also be disqualified from voting.

6. Section 69 of *The Consolidated Municipal Act, 1922*, is <sup>1922, c. 72
amended</sup> amended by adding thereto the following subsection:

(4a) Any person elected by acclamation shall make a declaration of qualification within one week after the day of nomination and in default he shall be deemed to have resigned.

7.—(1) Subsection 1 of section 95 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words "last Monday in December" in the first line and substituting therefor the words "day fixed for nomination at the annual election."

(2) Clause *a* of subsection 1 of the said section is amended <sup>1922, c. 72
s. 95, subs. 1.
cl. *a*,
amended.</sup> by striking out the words "who have not paid the taxes on such income on or before the 14th day of December next preceding the election" and substituting therefor the words "whose taxes are overdue and unpaid."

(3) Clause *b* of subsection 1 of the said section is amended <sup>1922, c. 72
s. 95, subs. 1.
cl. *b*,
amended.</sup> by striking out the words "who have not paid all municipal taxes due by them on or before the 14th day of December next preceding the election" and substituting therefor the words "whose taxes in respect of land are overdue and unpaid."

8.—(1) Subsection 1 of section 101 of *The Consolidated Municipal Act, 1922*, is amended by adding at the beginning <sup>1922, c. 72,
s. 101,
amended.</sup> of said subsection the words "subject to the provisions of subsection 2."

(2) Subsection 2 of section 101 of the said Act is repealed <sup>1922, c. 72,
s. 101,
subs. 2,
amended.</sup> and the following substituted therefor:

(2) The council of a municipality may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the poll so that it will remain open for not less than eight consecutive hours between eight o'clock in the forenoon and seven o'clock in the afternoon. <sup>Time for
opening and
closing poll.</sup>

9. Clause *a* of subsection 1 of section 103 of *The Consolidated Municipal Act, 1922*, is amended by adding at the end <sup>1922, c. 72
s. 103, subs. 1.
end</sup>

thereof

thereof the words "and is not entered upon the defaulters' list."

<sup>1922, c. 72, b.
s. 152, cl. b,
amended.</sup> **10.** Clause *b* of section 152 of *The Consolidated Municipal Act, 1922*, is amended by inserting before the word "insolvent" in the first line the words "bankrupt or," and the words "bankruptcy or" after the word "any."

<sup>1922, c. 72,
s. 158, subs.
2. amended.</sup> **11.** Subsection 2 of section 158 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the word "year" in the third line the words "or after the 1st day of October where a by-law has been passed under section 73."

<sup>1922, c. 72,
s. 159,
repealed.</sup> **12.** Section 159 of *The Consolidated Municipal Act, 1922*, is repealed.

<sup>1922, c. 72,
s. 188,
amended.</sup> **13.** Section 188 of *The Consolidated Municipal Act, 1922*, is amended by adding the following subsection:

(2a) Save as provided in subsection 1 nothing in this Act contained shall render it unlawful for any person to provide his own private vehicles for the purpose of taking voters to and from the poll free of charge.

<sup>1922, c. 72,
s. 209, 209a
and 210,
repealed.</sup> **14.** Sections 209, 209a and 210 of *The Consolidated Municipal Act, 1922*, are repealed and the following substituted therefor:

Boards of Control.

Constitution
in cities over
100,000.

209. In cities having a population of not less than 100,000 there shall be a board of control consisting of the mayor and four controllers to be elected by general vote.

Constitution
in cities
under
100,000.

210.—(1) In cities having a population of less than 100,000, but more than 45,000, the council may, with the assent of the municipal electors, pass a by-law providing that there shall be a board of control consisting of the mayor and four controllers to be elected by general vote.

(2) No such by-law shall be repealed without the assent of the municipal electors, nor until at least five annual elections have been held under it, and no repealing by-law shall be passed later in the year than the first day of November.

Salary of
members.

210a.—(1) The council of any city having a board of control may by by-law fix the salaries of the members of the board.

- (2) Where the population of a city is less than 100,000 the salary shall not exceed for each member of the board the sum of \$1,500 per annum.
- (3) Where the population of a city exceeds 100,000, but is less than 200,000, the salary shall not exceed for each member of the board the sum of \$2,500 per annum.
- (4) Where the population of a city exceeds 200,000, the salary shall not exceed for each member of the board the sum of \$5,000 per annum.

15. Subsection 6 of section 230 of *The Consolidated Municipal Act, 1922*, is repealed. 1922, c. 72,
s. 230,
subs. 6,
repealed.

16. Section 230 of *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following subsections:— 1922, c. 72,
s. 230,
amended.

- (6) Every collector before entering on the duties of his office shall give such security as the council directs for the faithful performance of such duties, and for duly accounting for and paying over all money which comes into his hands. Security by collector.
- (7) It shall be the duty of every council, in every year, to inquire into the sufficiency of the security given by the collector, and to cause to be entered in its minutes the result of the inquiry.

17. Subsection 7 of section 237 of *The Consolidated Municipal Act, 1922*, is amended by striking out the word "publish" 1922, c. 72,
s. 237,
subs. 7,
amended. in the first line and substituting therefor the words "print and distribute."

18. Subsection 1 of section 242 of *The Consolidated Municipal Act, 1922*, is repealed. 1922, c. 72,
s. 242,
subs. 1,
repealed.

19. Section 244 of *The Consolidated Municipal Act, 1922*, is repealed and the following substituted therefor: 1922, c. 72,
s. 244,
repealed.

244. Every qualified person elected to any municipal office shall take the oath of office within twenty days after his election and in default shall be deemed to have resigned.

20. Subsection 1 of section 248 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the word "business" 1922, c. 72,
s. 248,
subs. 1,
amended. in the twelfth line the words "including any business conducted by a commission appointed by the municipal council or elected by the electors."

1922, c. 72.
s. 263,
amended.

21.—(1) Section 263 of *The Consolidated Municipal Act, 1922*, is amended by inserting the following as subsection 1a:

1922, c. 72.
s. 263,
subs. 3,
repealed.

(1a) Where a municipality is divided into wards there shall be at least one polling place in each ward.

(2) Subsection 3 of section 263 of *The Consolidated Municipal Act, 1922*, is repealed and the following substituted therefor:

Time for
submission
of certain
by-laws.

(3) In any city having a population of not less than 40,000 a proposed by-law providing for the purchase or acquiring of any public utility or street railway or for entering into any agreement for that purpose, or for disposing of any public utility or granting any public franchise shall be submitted only on the day fixed for taking the poll at the annual municipal election.

1922, c. 72.
s. 283,
subs. 3,
amended.

22. Subsection 3 of section 283 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words "himself in the sum of \$50 and two sureties each in the sum of \$50" in the fifth and sixth lines and substituting therefor the words "with two sureties in the sum of \$100."

1922, c. 72.
s. 288,
subs. 3,
amended.

23.—(1) Subsection 3 of section 288 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the word "them" in the fourth line the words "by a special rate on all the rateable property in the municipality."

1922, c. 72.
s. 288,
subs. 5,
amended.

(2) Subsection 5 of section 288 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the word "due" in the third line the words "by a special rate on all the rateable property in the municipality."

1922, c. 72.
s. 288,
amended.

(3) Section 288 of *The Consolidated Municipal Act, 1922*, is amended by adding the following subsection:

(8a) Notwithstanding the provisions of the by-law the debentures may bear date at any time within the period of two years or five years as the case may be, mentioned in subsection 7.

1922, c. 72.
s. 295,
subs. 4,
amended.

24.—(1) Subsection 4 of section 295 of *The Consolidated Municipal Act, 1922*, is amended by adding at the end thereof the words "upon any ground whatsoever."

1922, c. 72.
s. 295,
subs. 5,
amended.

(2) Subsection 5 of section 295 of *The Consolidated Municipal Act, 1922*, is amended by adding at the end thereof the words "upon any ground whatsoever."

(3) Subsection 6 of section 295 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words "the ^{s. 295.} ~~sub-~~ within by-law (or debenture)" and substituting therefor the following: "By-law No. ^{amended.} passed by the council of the corporation of the day of . . . 19 , (or the within debenture)."

25. *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following section:

301a. Money received by any municipal corporation from the sale or hypothecation of any debentures shall be kept in a separate account and shall be used only for the purposes for which the same was raised and shall not be applied toward payment of the current or other expenditure of the municipality. ^{Application of proceeds of debentures.}

26. Subsection 3 of section 302 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words "of subs. 3, such money" in the first line and substituting therefor the words "money raised for a special purpose or collected for a sinking fund."

27.—(1) Subsection 2 of section 305 of *The Consolidated Municipal Act, 1922*, is repealed. <sup>1922, c. 72.
s. 305.
subs. 2,
repealed.</sup>

(2) *The Consolidated Municipal Act, 1922*, is amended by adding the following section:

305a. The rate of interest to be paid or credited to any municipal corporation by the Treasurer of Ontario upon municipal securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario, either as an investment by the Province or for investment on behalf of a municipal corporation, shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a Provincial loan and then outstanding. ^{Rate of interest.}

28. Subsection 2a of section 314 of *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following words: "and if such debentures or other like instruments are countersigned in writing by the deputy treasurer the signature of the treasurer thereon may be stamped, lithographed or engraved," so that the subsection will now read as follows:

Execution of
debentures.

- (2a) In a city having a population of not less than 200,000, the signature of the head of the council of the said corporation to all debentures or other like instruments issued by the said corporation may be written, stamped, lithographed or engraved, and if such debentures or other like instruments are countersigned in writing by the deputy treasurer the signature of the treasurer thereon may be stamped, lithographed or engraved.

1922, c. 72,
s. 315,
amended

- 29.** Section 315 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the word "where" in the first line the words "a certificate has been issued by the Ontario Railway and Municipal Board under section 295 or where."

1922, c. 72,
s. 325,
subs. 1,
amended.

- 30.** Subsection 1 of section 325 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words "or of the council thereof" in the third line and by inserting after the word "expropriated" in the eighth line the words "and for any damage necessarily resulting from the expropriation of the land."

1922, c. 72,
ss. 332 to 346,
repealed.

- 31.** Sections 332 to 346 of *The Consolidated Municipal Act, 1922*, are repealed and the following substituted therefor:

Senior judge
as sole
arbitrator.

- 332.—(1) Save in cases where there is an official arbitrator the senior judge of the county or district court shall be sole arbitrator unless he shall under his hand request a junior judge or the judge or junior judge of some other county or district to act for him, in which case the judge so designated shall be sole arbitrator.

- (2) The provisions of *The Municipal Arbitrations Act* as to procedure and appeals shall apply to arbitrations held and awards made by the judge.

1922, c. 72,
s. 369,
repealed.

- 32.** Section 369 of *The Consolidated Municipal Act, 1922*, is repealed.

1922, c. 72,
s. 390,
repealed.

- 33.** Section 390 of *The Consolidated Municipal Act, 1922*, is repealed.

1922, c. 72,
s. 392,
amended.

- 34.** Section 392 of *The Consolidated Municipal Act, 1922*, is amended by adding the following subsection:

- (2) By-laws may be passed by the councils of townships bordering upon a city having a population of not less than 100,000 for all the purposes mentioned in subsection 1 except the election of school trustees.

35. Section 393 of *The Consolidated Municipal Act, 1922*, as ^{1922, c. 72,} s. 393 (1925, c. 59, s. 6,) is further amended by adding ^{c. 59, s. 6,} after the word "towns" in the second line, the words "and townships bordering on a city having a population of not less than one hundred thousand," and by adding after the words "a constable" in the second line of clause (c) the words "or clerk, as the case may be."

36. Paragraphs 15 and 18 of section 398 of *The Consolidated Municipal Act, 1922*, are repealed. ^{1922, c. 72, s. 398, par. 15 and 18, repealed.}

37. Paragraph 29 of section 398 of *The Consolidated Municipal Act, 1922*, is amended by striking out all the words ^{1922, c. 72, s. 398, par. 29, amended.} after the word "such" in the first line down to the word "servants" in the fifth line and substituting therefor the words "officers and."

38.—(1) Paragraphs 2, 7, 8, 40, 42, 49, 55a, 59, 65, 66, 69, 70, 71 and 72 of section 399 of *The Consolidated Municipal Act, 1922*, are repealed. ^{1922, c. 72, s. 399, pars. 2, 7, 8, 40, 42, 49, 55a, 59, 65, 66, 69, 70, 71 and 72, repealed.}

(2) Paragraph 9 of section 399 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words "who has not on or before the 14th day of December next preceding the election paid all municipal taxes due by him" and inserting in lieu thereof the words "whose taxes on land on the day fixed for nomination at the annual election are overdue and unpaid."

39.—(1) Paragraphs 2 and 48 of section 400 of *The Consolidated Municipal Act, 1922*, are repealed. ^{1922, c. 72, s. 400, pars. 2 and 48, repealed.}

(2) Paragraph 4b of section 400 of *The Consolidated Municipal Act, 1922*, is repealed and the following substituted ^{1922, c. 72, s. 400, par. 4b, repealed.} therefor:

- 4b. For requiring the owner or occupant of any building ^{1922, c. 72, s. 400, par. 4b, repealed.} Requiring alterations to make such changes in its structure and to strengthen its walls, supports and floors as may be required by the architect or other officer named in the by-law when, in the opinion of the architect or such officer, the building is being used for any purpose for which it is structurally unsuited or which renders it dangerous, and requiring a permit from the architect or such other officer for such use after such changes have been made as he may direct; and prohibiting the use of any building which in the opinion of the

architect or other officer is dangerous, without his sanction and approval.

1922, c. 72.
§. 400.
par. 49.
amended.

(3) Paragraph 49 of section 400 of *The Consolidated Municipal Act, 1922*, is amended by inserting at the beginning thereof the words "Subject to the provisions of *The Highway Traffic Act*."

1922, c. 72.
§. 401.
par. 7, 8.
repealed.

40.—(1) Paragraphs 7 and 8 of section 401 of *The Consolidated Municipal Act, 1922*, are repealed.

1922, c. 72.
§. 401.
par. 9.
amended.

(2) The said section is further amended by adding at the end of the heading the words "and of townships bordering on a city having a population of not less than 100,000."

1922, c. 72.
§. 406 par. 3.
repealed.

41. Paragraph 3 of section 406 of *The Consolidated Municipal Act, 1922*, is repealed.

1922, c. 72.
§. 408 par. 6.
amended.

42. Clause *c* of paragraph 6 of section 408 of *The Consolidated Municipal Act, 1922*, is amended by inserting at the beginning thereof the words "Subject to the provisions of *The Highway Traffic Act*."

1922, c. 72.
§. 410 par. 4.
repealed.

43.—(1) Paragraph 4 of section 410 of *The Consolidated Municipal Act, 1922*, is repealed.

1922, c. 72.
§. 411.
subs. 1a
(1924, c. 50,
§. 23,
subs. 1),
amended.

(2) Paragraph 1*a* of section 411 of *The Consolidated Municipal Act, 1922*, as enacted by 1924, chapter 53, section 23, is amended by inserting after the words "fire engines" in the second line the word "hydrants."

1922, c. 72.
§. 416.
amended.

44.—(1) Section 416 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the words "unorganized territory" in the heading thereof the following words: "all townships bordering on a city having a population of not less than one hundred thousand," so that the heading will now read as follows: "By-laws may be passed by the councils of townships in unorganized territory, all townships bordering on a city having a population of not less than one hundred thousand, of counties and towns, and of cities having a population of less than one hundred thousand, and by the Board of Commissioners of Police of cities having a population of not less than one hundred thousand."

1922, c. 72.
§. 416, subs.
1, amended.

(2) Paragraph 1 of section 416 of the said Act is amended by striking out clause *f* and substituting therefor the following:

(f) Where the council of a town or township not separated from a county has passed a by-law under this paragraph the by-law of the county shall not be in force in said town or township while the by-law of such town or township remains in force.

45. Paragraph 4 of section 416 of *The Consolidated Municipal Act, 1922*, as enacted by section 18 of *The Municipal Amendment Act, 1925*, is amended by striking out the words "where such fruits and garden produce are not the growth of Ontario" in the fifth and sixth lines thereof.

46. Paragraph 2 of section 419 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words "other than taverns and shops licensed under *The Liquor License Act*" in the second and third lines.

47. Paragraphs 1, 3 and 5 of section 422 of *The Consolidated Municipal Act, 1922*, are repealed and the following substituted therefor:

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, busses, motor and other vehicles regularly used for hire within the city and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the city or to any other point not more than three miles beyond its limits and for providing for enforcing payment of such rates or fares.

48. Section 428 of *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following subsection:

(2) Notwithstanding anything contained in subsection 1, any municipality in the district of Muskoka may expend a sum not exceeding in any year the amount of one mill in the dollar on its total assessment for the purposes specified in subsection 1. Any two or more of such municipalities may pool their funds and act jointly for the said purposes.

49. Section 443 of *The Consolidated Municipal Act, 1922*, is repealed.

50. Subsection 1 of section 460 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the words "the corporation shall" in the fourth line the words "subject to the provisions of *The Contributory Negligence Act*."

51. *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following section:

479a.—(1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction

1922, c. 72.
s. 416, par. 4, amended.

1922, c. 72.
s. 419, par. 2, amended.

1922, c. 72.
s. 422, pars. 1, 3 and 5, repealed.

1922, c. 72.
s. 428, amended.

Municipalities in Muskoka may exceed limit in subs. 1.

1922, c. 72.
s. 443, repealed.

1922, c. 72.
s. 460, sub. 1, amended.

Agreement for removal of obstructions to view of drivers.

jurisdiction of the council for the removal or alteration of any tree, shrub, bush, hedge, fence, sign-board or other object on said land which may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching such intersection.

Application
to judge for
order

- (2) If the council is unable to make an agreement as provided in subsection 1, it may apply to the judge of the county court of the county in which the said land is situate for an order compelling the removal or alteration of any object in respect to which the application is made, upon such notice to the owner of the land affected as the said judge may direct, and the judge may make an order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter such object, or authorizing the municipal corporation to remove or alter same and for that purpose to enter upon the said land, and *The Judges' Orders Enforcement Act* shall apply to such an order.

1926, c. 26,

1922, c. 72,
s. 481, cl. c.
repealed.

52. Section 481 of *The Consolidated Municipal Act, 1922*, is amended by striking out clause *c*.

1922, c. 72,
ss. 487, 488,
repealed.

53. Sections 487 and 488 of *The Consolidated Municipal Act, 1922*, are repealed and the following substituted therefor:

TREES ON HIGHWAYS

487. In this section "tree" shall include a growing tree, or shrub planted or left growing on either side of a highway for the purpose of shade or ornament.

- (1) Any person may plant trees on a highway with the approval of the council of the municipality expressed by resolution.
- (2) Every tree upon a highway shall be appurtenant to the land adjacent to the highway and nearest thereto.
- (3) The council of every municipality may pass by-laws,—
 - (a) authorizing and regulating the planting of shade or ornamental trees upon any highway;
 - (b) granting money to be expended for such purpose;
 - (c)

- (c) granting money by way of bonus not exceeding twenty-five cents each for planting on any highway or within six feet thereof ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut, or whitewood trees, such bonus to be payable at the expiration of three years from date of planting if the trees are then alive, healthy and in good form;
 - (d) for preserving trees;
 - (e) for prohibiting the injuring or destroying of trees;
 - (f) for causing any tree planted upon a highway to be removed when deemed necessary in the public interest but the owner of the tree shall be given ten days' notice of the intention of the council to remove such tree and to be recompensed for his trouble in planting and protecting it, and if he so desires shall be entitled to himself remove the tree, but shall not be entitled to any further or other compensation;
 - (g) prohibiting the planting of any species of tree which the council deem unsuited for that purpose and for the removal without notice of such trees growing on a highway or planted thereon contrary to the provisions of any such by-law;
 - (h) authorizing any officer or committee of the council to supervise the planting of trees upon the highways and the trimming of trees planted upon a highway or upon private property where the branches extend over a highway, or to remove decayed or dangerous trees, or trees which have by by-law of the municipality been directed to be removed.
- (4) The notice required by the next preceding subsection may be given by leaving the same with a grown-up person residing on the land or if the land is unoccupied by posting it in a conspicuous place on the land.
- (5) Save with the authority of the council or a committee or officer thereof appointed as aforesaid no person shall remove or cut down or injure any tree growing upon a highway.

(6)—(a) Any person who ties or fastens any animal to, or injures or destroys a tree growing upon a highway or who suffers or permits any animal in his charge to injure or destroy such tree or who cuts down or removes any such tree contrary to the provisions of this section shall incur a penalty not exceeding \$25.

(b) One-half of such penalty shall go to the person laying the information, and the other half to the corporation of the municipality within which such tree was growing.

[*Note.—For by-laws to preserve or sell timber or trees on any original allowance for road, see section 483, subsection 7.*

For provisions as to trees on provincial highways, see Highway Improvement Act, 1926, sections 69, 83 and 84].

1922, c. 72,
s. 491,
amended.
54. Section 491 of *The Consolidated Municipal Act, 1922*, is amended by adding the following paragraph:

Ditches, etc.,
prohibiting
obstruction
of on high-
ways.

4a. For prohibiting the obstruction of ditches or culverts upon highways.

1922, c. 72,
s. 491,
subs. 4,
repealed.

55. Subsection 4 of section 494 of *The Consolidated Municipal Act, 1922*, is repealed.

1922, c. 72,
s. 497,
subs. 2,
amended.

56. Subsection 2 of section 497 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the word "recoverable" in the first line the words "and may be enforced," and by striking out clause b.

1922, c. 72,
s. 498,
repealed.

57. Section 498 of *The Consolidated Municipal Act, 1922*, is repealed.

1922, c. 72,
s. 511,
amended.

58. Section 511 of *The Consolidated Municipal Act, 1922*, is amended by adding the following subsection:

(2) Either party may at any time apply to the judge for a modification of the terms of the agreement or order.

1922, c. 72,
s. 515,
repealed.

59. Section 515 of *The Consolidated Municipal Act, 1922*, is repealed.

1922, c. 72,
s. 516, subs.
5, amended.

60. Subsection 5 of section 516 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the words "supply of" in the third line the word "water."

61. Subsection 1 of section 522 of *The Consolidated Municipal Act, 1922*, c. 72, s. 522, is amended by inserting the following clause: subs. 1, amended.

(l) Trees on highways.

62. Section 534 of *The Consolidated Municipal Act, 1922*, c. 72, s. 534, is amended by adding the following subsection: amended.

(5) Where it is necessary to issue debentures for any of Issue of debentures, the purposes of this section the township or townships in which the village is situate may issue debentures for its due proportion to be determined as aforesaid.

63. Form 2 of *The Consolidated Municipal Act, 1922*, is Form 2, c. 72, amended by adding after the letters A.B. in the first line the amended words "a candidate for election to the office of in the municipality of "; by striking out the words "two miles" at the end of the first paragraph and inserting in lieu thereof the words "five miles"; and by striking out paragraph 5 and substituting therefor the following:

5. I am not disqualified under the provisions of section 53 of *The Municipal Act* or under any other Act.

64. This Act shall come into force on the 1st day of July, Commencement of Act, 1927.

CHAPTER 62.

The Local Improvement Act, 1927.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

Interpretation.

1. In this Act,—

- "Bridge." (a) "Bridge" shall include a viaduct, a culvert, a subway and an embankment and shall also include a pavement on a bridge.
- "Clerk." (b) "Clerk" shall mean and include the clerk of the municipality and any officer or person authorized or required by the council to perform any duty which under this Act is to be or may be performed by the clerk.
- "Constructing." "Construction." (c) "Constructing" and "construction" shall include reconstructing and reconstruction, wholly or in part, when the lifetime of the work has expired.
- "Corporation." (d) "Corporation" shall mean the corporation of a municipality.
- "Corporation's portion of the cost." (e) "Corporation's portion of the cost" shall mean that part of the proportion of the cost of a work which is not to be specially assessed, but is payable by the corporation.
- "Council." (f) "Council" shall mean the council of the corporation of a municipality.
- "County." (g) "County" shall include "district."
- "Curbing." (h) "Curbing" shall include a curbing of any material in or along a street, whether constructed in connection with or apart from the laying down of

a pavement or sidewalk, or with or without a projection for the purpose of a gutter.

- (i) "Engineer" shall include an officer or person authorized or required by the council to perform any duty which under this Act is to be or may be performed by an engineer.
- (j) "Frontage," when used in reference to a lot abutting directly on a work, shall mean that side or limit of the lot which abuts directly on the work.
- (k) "Judge of the county court" shall mean and include "Judge of the county" the judge and a junior judge of a county or district court.
- (l) "Lifetime," as applied or applicable to a work, shall mean the lifetime of the work as estimated by the engineer, or in case of an appeal as finally determined by the court of revision or the judge, as the case may be.
- (m) "Lot" shall mean a subdivision or a parcel of land "Lot," which by *The Assessment Act* is required to be ^{c. 195.} Rev. Stat., separately assessed, and "lots" shall mean more than one lot as so defined.
- (n) "Municipality" shall include a union of townships, "Municipality," a municipality composed of more than one township, a township, a city, a town, a village, but not a county.
- (o) "Owner" and "owners" shall mean respectively "Owner," "Owners," the person or persons appearing by the last revised assessment roll of the municipality to be the owner or owners of land, and, except in the case of a township, shall include a tenant for years, the unexpired term of whose tenancy including any renewal thereof to which he is entitled extends for not less than the period during which the special assessment for the work is to be made, if by the terms of his tenancy he would be liable for the payment of the special assessment for the work, but shall not include a person who is, or is assessed as, owner, where there is a tenant for years of the land, who is an owner within the meaning of this clause.
- (p) "Owners' portion of the cost" shall mean that "Owners' portion of the cost" part or portion of the cost of a work which is to the cost."

be specially assessed upon the land abutting directly on the work or upon land immediately benefited by the work.

"Pavement."

(g) "Pavement" shall include any description of pavement or roadway.

"Paving."

(r) "Paving" shall include macadamizing, planking, and the laying down or construction of any description of pavement or roadway and the construction of a curbing.

"Publication."
"Published."

(s) "Publication" and "published" shall mean insertion in a newspaper published in the municipality, if there is a newspaper published therein, or, if there is none, then in a newspaper published in the county in which the municipality is situate. R.S.O. 1914, c. 193, s. 2, cls. (a-s).

"Sewer."

(t) "Sewer" shall include a common sewer and a drain and two or more sewers connected as a system of sewers. R.S.O. 1914, c. 193, s. 2, cl. (t). *Amended.*

"Sidewalk."

(u) "Sidewalk" shall include a footway and a street crossing.

"Specially assessed."

(v) "Specially assessed" shall mean specially rated for or charged with part of the cost of a work.

"Street."

(w) "Street" shall include a lane, an alley, a park, a square, a public drive, and a public place, or a part of any of them.

"Value."

(x) "Value" shall mean assessed value, exclusive of buildings, according to the last revised assessment roll of the municipality. R.S.O. 1914, c. 193, s. 2, cls. (u-x).

"Watermain."

(y) "Watermain" shall include two or more watermains connected in a system of waterworks and hydrants.
New.

"Work."

(z) "Work" shall mean a work or service which may be undertaken as a local improvement.

"Work undertaken."

(aa) "Work undertaken" shall mean a work which is undertaken as a local improvement. R.S.O. 1914, c. 193, s. 2, cls. (z, aa).

WORKS WHICH MAY BE UNDERTAKEN AS LOCAL
IMPROVEMENTS.

2.—(1) A work of any of the characters or descriptions hereinafter mentioned may be undertaken by the council of a corporation as a local improvement, that is to say:

- (a) Opening, widening, extending, grading, altering the grade of, diverting or improving a street;
- (b) Opening or establishing a new street;
- (c) Constructing a bridge as part of a street; R.S.O. 1914, c. 193, s. 3 (1), cls. (a-c);
- (d) Constructing, enlarging, or extending a sewer, including a sewer on each side or on one side only of a street; R.S.O. 1914, c. 193, s. 3 (1), cl. (d), 1926, c. 53, s. 2. *Amended*;
- (e) Constructing, enlarging or extending a watermain, including a main on each side or on one side only of a street; *New*;
- (f) Paving a street;
- (g) Constructing a curbing or a sidewalk in, upon or along a street;
- (h) Constructing or maintaining a boulevard where a part of a street has been set apart for the purposes of a boulevard;
- (i) Sodding any part of and planting, maintaining and caring for trees, shrubs and plants upon and in a street; R.S.O. 1914, c. 193, s. 3 (1), cls. (e-h);
- (j) The extension of a system of water, gas, light, heat or power works owned by the corporation, including all such works as may be necessary for supplying water, gas, light, including street lighting, heat or power, to the owners of land, for whose benefit such extension is provided; R.S.O. 1914, c. 193, s. 3 (1) cl. (i); *part*; 1924, c. 57, s. 1;
- (k) In a township where works have been constructed and erected for the supply of electrical power to owners, for constructing and erecting in connection with such works such further works, plant, appliances, and equipment as may be necessary for street lighting. 1924, c. 57, s. 2.

(l)

- (l) Acquiring, establishing, laying out and improving a park or square not having a greater area than two acres, or a public drive; R.S.O. 1914, c. 193, s. 3 (1), cl. (j); *part*.
- (m) Constructing on petition only, retaining walls, dykes or breakwaters along the banks of rivers or the shores of lakes; 1922, c. 76, s. 1.
- (n) In the case of cities and towns only, constructing and erecting on petition only, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works which would otherwise be provided at the expense of the corporation at large; R.S.O. 1914, c. 193, s. 3 (1), cl. (l).
- (o) Constructing a subway under a railway; 1915, c. 35, s. 1.
- (p) Subject to the provisions of section 25 for re-surfacing with asphalt or other suitable material, a pavement having a foundation which in the opinion of the engineer is sufficient therefor although the lifetime of the existing pavement has not expired. When any work undertaken under this clause is such as might entitle it to a provincial grant, the approval of the Department of Public Highways shall be first had and obtained with respect to the suitability of the foundation; 1921, c. 64, s. 1; 1925, c. 61, s. 1.
- (2) Nothing in this section shall extend or apply to a work of ordinary repair or maintenance. R.S.O. 1914, c. 193, s. 3 (2).

Works
which may
be under-
taken in
connection
with a
pavement,
watermain,
or sewer.

3.—(1) Where the work is the construction of a pavement or watermain, the council, before proceeding with the work, may construct all works necessary for surface drainage in connection therewith and may make all necessary private drain connections from the main sewer to the street line on either or both sides, and may also lay all necessary water service pipes and stop cocks and make all necessary alterations in the same, and where gas works are owned by the corporation the council may lay all necessary gas mains, service pipes and stop cocks and make all necessary alterations in the same, and where the work is the construction of a sewer the

council may make all necessary private branch drains and connections to the street line on either or both sides; but the cost of a water or gas service pipe or stop cock and any alteration of the same and the cost of a private branch drain and connection shall be specially assessed only upon the particular lot to serve which it was constructed or effected by an equal special rate per foot of the frontage of such lot. 1915, c. 35, s. 2 (1); 1922, c. 75, s. 1. *Amended.*

(2) Where the work is the construction of a pavement, the council may from time to time during the progress of the work, upon the written request of the owner of the lot to be served, provide for the construction, as part of the pavement, of an approach of such width and character as the council may determine, from the boundary line of the pavement to the street line, so as to form an approach to a particular lot, and the cost of such approach shall be specially assessed upon the particular lot so served. *New.*

(3) The works mentioned in subsection 1 shall be deemed part of the work of construction of the pavement, sewer or watermain in all respects except as to the manner in which the cost of them is to be specially assessed as provided by that subsection. R.S.O. 1914, c. 193, s. 4 (2).

(4) The amount to be assessed against each lot in respect of a private drain connection, water service pipe or gas service pipe shall be the cost thereof from the centre of the street to the street line, whether or not the sewer or water or gas main is laid in the centre of the street, but this subsection shall not apply to private drain connections where a sewer is constructed on each side of a street. R.S.O. 1914, c. 193, s. 3; 1926, c. 53, s. 3.

4.—(1) Where a sewer, water main or gas main has been or may hereafter be constructed, the council, by a vote of two-thirds of all the members thereof at any general or special meeting, may undertake the construction of private drain connections, water service pipes or gas service pipes from the sewer, water main or gas main to the street line on either or both sides as a local improvement without any petition therefor, and the cost of each private drain connection, water service pipe or gas service pipe shall be specially assessed upon the particular lot for or in connection with which it is constructed by an equal special rate per foot of the frontage of such lot, and the owners of the land shall not have the right of petition provided for by section 12, and the provisions of subsection 4 of section 3 shall apply. R.S.O. 1914, c. 193, s. 5; 1922, c. 75, s. 2. *Amended.*

(2) Where a private drain connection, gas or water service pipe has been constructed by a municipality at the request of the owner of land and the council has not proceeded under subsection 1, the amount due may be inserted in the collector's roll and be collected in the same manner as taxes. *New.*

*... done by
township of
works al-
ready con-
structed.*

... s. 72.

5. In a township, town or village in unorganized territory where the owners of land have constructed a work which might have been undertaken as a local improvement, the council, upon the petition of three-fourths in number of the owners of the land to be immediately benefited by the acquisition of the work, representing at least two-thirds of the value of such land, may acquire the work at a price agreed upon or to be determined by arbitration under the provisions of *The Municipal Act*, and the purchase money may be provided by the council and may be assessed in like manner as if the work were a work which the council were undertaking as a local improvement, and all the provisions of this Act shall apply as if the council were undertaking the work so acquired as a local improvement. R.S.O. 1914, c. 193, s. 6; 1915, c. 35, s. 3. *Amended.*

*Approval of
Ont. Ry. and
Municipal
Bd. required
in the case
of certain
works.*

6.—(1) Where the work is the opening, widening, or extension of a street or the construction of a bridge, and the cost of the work as estimated by the engineer will exceed \$50,000, any person whose land is to be specially assessed may, within ten days after notice to him of the intention of the council to undertake the work, give notice that he objects to the work being undertaken upon the ground that it is a work for the general benefit of the municipality or of a section or district thereof, and if such notice is given the work shall not be undertaken without the approval of the Ontario-Railway and Municipal Board.

*Approval
may be
withheld.*

(2) If the Board, after notice to the corporation and to all persons interested and after hearing such of them as shall request to be heard, determines that for the reasons mentioned in subsection 1, or either of them, it is proper to do so the Board may withhold its approval.

*Apportion-
ment of cost
of work.*

(3) If the Board determines that the cost of the work should be borne by the corporation or by the owners of the land situate within a section or district of the municipality, the Board may make an order so declaring, and in that event the council may, notwithstanding the provisions of this Act or of any by-law passed under the authority of this Act, undertake and proceed with the work at the cost of the corporation or of the section or district thereof mentioned in the order, as the case may be.

(4) The Board, instead of making an order under subsection 3 may direct that if the work is undertaken such part of the cost of it as the Board may deem just shall be charged upon the lots abutting directly upon the work, in accordance with the provisions of this Act and that the residue of it shall be borne by the corporation or partly by the corporation and partly by a section or district of the municipality in such proportions as the Board may direct, and if the council undertakes the work, it shall conform with the directions of the order.

(5) The special assessment upon the lots shall not be made by the Board, but by the council, in accordance with the provisions of this Act. R.S.O. 1914, c. 193, s. 7.

Or may direct the cost to be charged upon the abutting lots.

Special assessments to be made by the Council.

PROCEDURE FOR UNDERTAKING WORK.

7.—(1) A by-law may be passed for undertaking a work as a local improvement:

Methods of undertaking works.

- (a) on petition; or
- (b) without petition, on the initiative of the council, hereinafter called the initiative plan, except in the case of a park or square or public drive mentioned in clause (l) of section 2; or
- (c) on sanitary grounds, as mentioned in section 9; or
- (d) without petition in the case mentioned in sections 4 and 8.

(2) Instead of passing separate by-laws for each work the council may pass one by-law in respect of several works. R.S.O. 1914, c. 193, s. 8.

One by-law may include several works.

8.—(1) Where the council determines and by by-law or resolution, passed at any general or special meeting by a vote of two-thirds of all the members thereof, declares that it is desirable that the construction of a curbing, pavement, sidewalk, sewer, watermain or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street or the extension of a system of waterworks, should be undertaken as a local improvement, the council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 12. R.S.O. 1914, c. 193, s. 9 (1); 1921, c. 64, s. 2. *Amended.*

Construction of certain works on a two-thirds vote of council without petition.

(2) Where the council proceeds with any local improvement under subsection 1, a majority of the owners representing at least one-half the value of the lots which are to

Objection to construction of work on two-thirds vote of council.

be specially assessed therefor, being dissatisfied with such local improvement or with the manner in which it has been undertaken, may by petition apply to the Ontario Railway and Municipal Board for relief, and the Board may thereupon investigate the complaint and make such order with respect to the local improvement as may seem proper, and after notice to the clerk of the municipality of the application and pending its determination by the Board, the council shall not proceed with the local improvement work.

**Sufficiency
of petition.**

(3) The sufficiency of such petition shall be determined in the manner provided by section 15. 1914, c. 21, s. 42.

**Filing of
petition.**

(4) Such petition shall be deposited with the secretary of the Ontario Railway and Municipal Board within twenty-one days after the publication of notice of the council's intention to undertake the work. 1915, c. 35, s. 4.

(5) The by-law authorizing the work shall not be passed until the expiry of the said twenty-one days. *New.*

**Construction
of sewer on
recom-
mendation
of Minister of
Health.**

9. Where the council, upon the recommendation of the Minister of Health or of the local board of health of the municipality, determines and, by by-law passed at a regular or special meeting of the council by vote of two-thirds of all the members thereof, declares that the construction, enlargement or extension of a sewer or watermain as a local improvement is necessary or desirable in the public interest on sanitary grounds, the council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 12. R.S.O. 1914, c. 193, s. 10. *Amended.*

**Publication
of notice of
intention.**

10. Where it is intended to proceed under section 4, 8 or 9, the council shall not be deemed to proceed on the initiative plan, but, before passing the by-law for undertaking the work, shall cause notice of its intention, Form 1, to be published. Such notice may relate to and include any number of different works. R.S.O. 1914, c. 193, s. 11. *Amended.*

**Number of
signatures
to petition
required.**

11. The petition for a work shall be signed by at least two-thirds in number of the owners representing at least one-half of the value of the lots liable to be specially assessed. R.S.O. 1914, c. 193, s. 12.

**Initiative
plan—pub-
lication and
service of
notice of
intention to
construct
work.**

12.—(1) Where the council proceeds on the initiative plan, notice of the intention of the council to undertake the work, Form 2, shall be given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed; and unless within one month after the

first publication of the notice a majority of the owners representing at least one-half of the value of the lots which are liable to be specially assessed petition the council not to proceed with it the work may be undertaken as a local improvement.

(2) The notice shall be sufficient if it designates by a general description the work to be undertaken and the street or place whereon or wherein, and the points between which the work is to be done, and the number of the instalments by which the special assessment is to be payable.

(3) The notice may relate to and include any number of different works.

*May cover
different
works.*

(4) The notice may be served upon the owner:

*Manner of
service.*

(a) personally; or

(b) by leaving it at his place of business or of residence if within the municipality; or

(c) by mailing it at a post office addressed to the owner at his actual place of business or of residence, if known, or at his place of business or residence as set forth in the last revised assessment roll of the municipality; or

(d) if the place of business and of residence of the owner are not known, by leaving the notice with a grown-up person on the lot of the owner which is liable to be specially assessed, if there is a grown-up person residing thereon.

(5) If the place of business and of residence of the owner are unknown, and there is no grown-up person residing on the lot of the owner which is liable to be specially assessed, service upon the owner shall not be requisite. R.S.O. 1914, c. 193, s. 13 (1-5).

6) Publication and service of the notice may be proved by affidavit or statutory declaration, which before the passing of the by-law by which the special assessment is made to defray the cost of the work, shall be *prima facie* evidence, and after the passing of the by-law shall be conclusive evidence of the matters set forth therein. R.S.O. 1914, c. 193, s. 13 (7). *Amended.*

13.—(1) Where the council has proceeded on the initiative plan and has been prevented from undertaking a work by

*Effect of
petition
against
work.*

Proviso. reason of a petition having been presented under the provisions of section 12, the council shall not proceed on the initiative plan with regard to the same work for a period of two years after the presentation of the petition; provided always that in a municipality in which a by-law passed under the provisions of section 60 is in force the prohibition contained in this section shall not prevent the council from again proceeding on the initiative plan with regard to such work if it is of a different kind or description from or less expensive than that originally proposed to be undertaken.

Powers conferred by section 8 not affected.

(2) Nothing in this section shall prevent the council from exercising the power conferred by section 8. R.S.O. 1914, c. 193, s. 14.

Lot of petitioner to be described.

14. There shall be set out opposite to every signature to the petition for or against a work a description of the lot of which the petitioner is the owner by its number or such other description as will enable the clerk to identify it. R.S.O. 1914, c. 193, s. 15.

Clerk to determine sufficiency of petition.

15.—(1) The sufficiency of a petition for or against a work shall be determined by the clerk, and his determination shall be evidenced by his certificate and when so evidenced shall be final and conclusive.

What owners to be counted.

(2) Where the sufficiency of a petition has been determined by the clerk it shall be deemed to have been and to be a sufficient petition notwithstanding that changes may be made by the court of revision or by the judge in the lots to be specially assessed which have the effect of increasing or reducing the number of the lots.

Determining value of lots.

(3) When it is necessary to determine the value of any lot and the same cannot be ascertained from the proper assessment roll by reason of the lot not having been separately assessed, or for any other reason, the clerk shall fix and determine the value of such lot and the value thereof as so fixed and determined shall be deemed for the purpose of this Act to be the assessed value thereof, and his determination shall be final and conclusive.

Owner whose name is not on roll may petition.

(4) Where a person who is, but does not appear by the last revised assessment roll of the municipality to be, the owner of land is a petitioner, he shall be deemed an owner if his ownership is proved to the satisfaction of the clerk, and if the person who appears by the assessment roll to be the owner is a petitioner his name shall be disregarded in determining the sufficiency of the petition.

(5) Where two or more persons are jointly assessed for a lot, in determining the sufficiency of a petition: Case of joint owners.

- (a) they shall be reckoned as one owner only;
- (b) they shall not be entitled to petition unless a majority of them concur and the signatures of any of them, unless the petition is signed by the majority, shall be disregarded in determining the sufficiency of the petition.

(6) The clerk, for the purpose of any inquiry pending Witnesses. before him under the provisions of this section may cause witnesses to be summoned and to be examined upon oath, and any person interested in the inquiry may, for the purpose of procuring the attendance of a witness, cause a subpoena to be issued out of the county court of the county in which the municipality lies.

(7) A witness, if a resident of the municipality, shall be Witness fees. bound to attend without payment of any fees or conduct money, and if not a resident of the municipality shall be entitled to fees and conduct money according to the county court scale.

(8) Where any person complains to the clerk that his Complaints to be investigated by county judge. signature to the petition was obtained by fraud, misrepresentation or duress the complaint shall be investigated and determined by a judge of the county court, and the clerk shall delay certifying until he has received the finding or report of the judge upon the complaint, and in determining as to the sufficiency of the petition the clerk shall give effect to such finding or report. R.S.O. 1914, c. 193, s. 16.

16. A petition for or against the undertaking of a work Petitions to be lodged with clerk. shall be lodged with the clerk, and shall be deemed to be presented to the council when it is so lodged. R.S.O. 1914, c. 193, s. 17.

17. No person shall have the right to withdraw his name Withdrawal of name from petition. from, and no name shall be added to, a petition after the clerk has certified as to its sufficiency. R.S.O. 1914, c. 193, s. 18.

18. Where a by-law has been heretofore or may hereafter be passed for undertaking any work as a local improvement and the council deems it inadvisable or impracticable to complete the work, the council may, by by-law amend such by-law and provide for the carrying out of part only of the work mentioned therein (or for the substitution in whole or Power to undertake part of work only.)

in part of another kind or character of work of the same class as that undertaken in such by-law) but all the provisions of this Act shall apply to such partial work as if it had been originally undertaken as one entire work or to such substituted work as if it had been the work originally undertaken, but such amending by-law shall take effect only on being approved by the Municipal Board. 1923, c. 42, s. 2 (1).

Power of
council to
pass
amending
by-law; and
of Board
to make
order
pursuant
thereto.

19. After passing a by-law for establishing, extending, widening or diverting a highway, and before completion of the work, the council may apply to the Municipal Board for leave to pass an amending by-law providing for a deviation in the course or location of the highway as defined in the original by-law, and the Board may make an order approving of and validating an amending by-law accordingly on such terms and conditions and after such hearing as it may consider proper, and subject to the terms of the order the provisions of this Act shall apply to such altered work as if it had been provided for in the original by-law. 1921, c. 64, s. 3.

HOW COST OF WORK TO BE BORNE.

Frontage
rate.

20.—(1) Except as in this Act is otherwise expressly provided, the entire cost of a work undertaken shall be specially assessed upon the lots abutting directly on the work, according to the extent of their respective frontages thereon, by an equal special rate per foot of such frontage sufficient to defray such cost.

Items which
may be
included
in cost.

- (2) The following may be included in the cost of the work:
 - (a) Engineering expenses;
 - (b) Cost of advertising and service of notices;
 - (c) Interest on temporary loans;
 - (d) Compensation for lands taken for the purposes of the work or injuriously affected by it and the expenses incurred by the corporation in connection with determining such compensation;
 - (e) The estimated cost of the issue and sale of debentures and any discount allowed to the purchasers of them.
- R.S.O. 1914, c. 193, s. 19.

Deduction of
contributions
from cost.

21.—(1) Where a municipality receives a contribution in cash to be applied towards the cost of any work the amount of such contribution shall be deducted from the total cost of such work and the balance shall for all purposes be deemed the actual cost of the work.

(2) If such contribution be by way of an annuity, it shall be capitalized and the capitalized value shall be deducted as aforesaid but the municipality shall nevertheless borrow the full amount of the cost of the work and shall specially assess against the owners of lots their share of the cost ascertained after making the deduction as aforesaid, and the balance of the total cost shall be the corporation's portion of the cost, and the annuity shall be applied in reduction of the annual rate levied to meet the corporation's portion of the cost. *New.*

22.—(1) Where a contractor is employed to construct a pavement or sidewalk, and the council has required him to guarantee that he will so construct it that it shall, for a period not exceeding ten years, remain in good condition and suitable for safe and comfortable travel, and that he will, when required, make good any imperfections therein due to materials, workmanship or construction, in ascertaining the cost of the work no deduction shall be made from the sum paid to the contractor by reason of such guarantee having been required. R.S.O. 1914, c. 193, s. 20 (1).

(2) In all municipalities where such guarantee is required where any local improvement is undertaken by the corporation and constructed by day labour, the corporation may assess as part of the cost thereof a reasonable allowance to make good any imperfections therein due to materials, workmanship or construction during the lifetime thereof as fixed by the court of revision, the amount of such allowance to be subject to revision by the court of revision. 1919, c. 49, s. 1.

23. There shall be included in the corporation's portion of the cost,—

- (a) at least one-third of the cost of a sewer having a sectional area of more than four feet; and
- (b) the entire cost of all hydrants constructed in connection with a watermain and the entire cost of all culverts, catch basins and other works which are provided for surface drainage and which are incidental to the construction of the sewer or pavement; and
- (c) so much of the cost of a work as is incurred at street intersections. R.S.O. 1914, c. 193, s. 21. *Amended.*

24. (1) Where the work is the construction of a sewer or watermain the council may in the by-law for undertaking the work, passed by a vote of three-fourths of all the members, provide that a certain sum per foot frontage shall be specially assessed upon the land abutting directly on the work and that

the remainder of the cost of such sewer or water main shall be borne by the corporation. R.S.O. 1914, c. 193, s. 22 (1). *Amended.*

Part to be borne by corporation.

(2) The part of the cost to be borne by the corporation shall not be less than that which, under section 23, is to be included in the corporation's portion of the cost. R.S.O. 1914, c. 193, s. 22 (2).

Assumption by corporation of special assessments in certain case.

25. Where the work undertaken is the resurfacing of a pavement as provided by clause *p* of subsection 1 of section 2 the corporation shall assume and pay the special assessments therefor charged against the lots fronting or abutting on the work until the expiration of the period within which such lots are specially assessed for the then existing pavement. 1921, c. 64, s. 4.

Corporation may assume part of cost of sidewalk or pavement.

26.—(1) Subject to the provisions of subsection 3 the council of the corporation of a municipality in which there is not in force a by-law passed under the provisions of section 60 applicable to the work may, by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council, provide that such part as to the council may seem proper of the cost of every granolithic, stone, cement, asphalt or brick sidewalk, or of every pavement or curbing or of works, plant, appliances and equipment for street lighting constructed as a local improvement which otherwise would be chargeable upon the land abutting directly on the work, shall be paid by the corporation. R.S.O. 1914, c. 193, s. 23 (1); 1915, c. 35, s. 6; 1924, c. 57, s. 3. *Amended.*

By-law not to be repealed except by a three-fourths vote.

(2) Such by-law shall not be repealed except by vote of three-fourths of all the members of the council. R.S.O. 1914, c. 193, s. 23 (2).

Assumption of larger share of certain named work.

(3) The council by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council and approved of by the Municipal Board may provide that the corporation shall assume a larger share of the cost of a certain named work undertaken on a certain named street than is provided in the by-law passed under subsection 1, with reference to works of the same class. *New.*

Reduction of assessment of corner lots, etc.

27.—(1) In the case of corner lots and triangular or irregularly shaped lots situate at the junction or intersection of streets a reduction shall be made in the special assessment which otherwise would be chargeable thereon sufficient, having regard to the situation, value and superficial area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis.

(2) Where a lot is for any reason, wholly or in part, unfit for building purposes a reduction shall also be made in the special assessment which otherwise would be chargeable thereon, sufficient to adjust its assessment as compared with that of the lots fit for building purposes on a fair and equitable basis.

(3) The reduction shall be made by deducting from the total frontage of the lot liable to the special assessment so much thereof as is sufficient to make the proper reduction, but the whole of the lot shall be charged with the special assessment as so reduced.

(4) The amount of any reduction made in the assessment of any lot under the provisions of this section shall not be chargeable upon the lots liable to be specially assessed, but shall be paid by the corporation. R.S.O. 1914, c. 193, s. 24.

28.—(1) Subject to the provisions of subsection 2, where the work undertaken is a sidewalk or curbing or a sewer or watermain constructed on one side of a street to serve only the lots on that side, only the land abutting on that side of the street upon which the work is constructed shall be specially assessed. R.S.O. 1914, c. 193, s. 25 (1); 1921, c. 64, s. 5.
Amended.

2) On petition (sufficiently signed) of the owners on both sides of a street in a township praying that a sidewalk be constructed on one side only of the street and that a certain portion not exceeding one-third of the owners' share of the cost be assessed on the lots fronting or abutting on the other side of the street the council may specially assess the lands on the other side of the street in conformity with the petition and if a sidewalk is thereafter constructed on the other side of the street the owners' portion of the cost shall be specially assessed in like manner. 1921, c. 64, s. 5.

29.—(1) Where the work is the acquisition, establishment, laying out and improving of a park or square or the construction of a bridge or the construction of a sewer or watermain of a larger capacity than is required for the purpose of the abutting land, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, and the council is of opinion that for any reason it would be inequitable to charge the cost of the work on the land abutting directly thereon, the council may in the by-law for undertaking the work passed by the vote of three-fourths of all the members, provide for the payment by the corporation of such part of the cost, as to the council may seem just, and so much of the residue thereof as may seem just may be specially assessed

upon the land abutting directly on the work, and so much of such residue as may seem just on such other land as is immediately benefited by the work. R.S.O. 1914, c. 193, s. 27 (1); 1924, c. 57, s. 5. *Amended.*

Method of assessment.

(2) In the cases provided for by subsection 1, that part of the cost of the work for which the abutting land is to be specially assessed shall be assessed thereon in the manner provided by section 20, and that part of the cost for which land not abutting directly on the work is to be specially assessed shall be assessed thereon in the manner provided by sections 32 and 33. R.S.O. 1914, c. 193, s. 27 (2).

Assessment of cost of outlet for sewage.

30. Where the work is the construction of a sewer and it is necessary to construct an outlet for the sewage, and the lands fronting or abutting on or through which such outlet is constructed are not benefited or served thereby, the cost of the outlet shall be deemed to be a part of the cost of the sewer and shall not be specially assessed against the lands fronting or abutting on the outlet or through which the outlet is constructed. *New.*

Power of council to grant owner reduced assessment by way of compensation.

31.—(1) Where the work of acquiring, establishing, opening, widening, extending or diverting a street involves the taking of a portion of a lot abutting on the work, or of one or more of a number of lots or contiguous lots owned by the same person, the council may agree with the owner that in consideration of the dedication or gift of the land required to be taken or a release of or reduction in the owner's claim for compensation, the remainder of his lot or his remaining lots as the case may be shall be charged with no part or a specified portion or proportion only of the special assessment which would otherwise be chargeable thereon in respect of the cost of the work, and the special assessment roll shall be prepared in conformity with such agreement notwithstanding anything to the contrary in this Act contained.

Appeal.

(2) An appeal shall lie to the court of revision and to the county judge from the action of the council in like manner as an appeal lies under the provisions of this Act with regard to the cost of a work undertaken. 1921, c. 64, s. 6.

Assessment of non-abutting land equally benefited.

32. Where land not abutting directly upon a work is to be specially assessed, if the whole of it is equally benefited, the portion of the cost to be borne by such land shall be specially assessed upon the lots according to the extent of their frontage by an equal special rate per foot of such frontage. R.S.O. 1914, c. 193, s. 28.

33. Where land not abutting directly upon a work is to be specially assessed, and the whole of it is not equally benefited, such land shall be divided into as many districts or sections as there are different proportions of benefit and so that a district or section shall embrace all the land which will be benefited in the same proportion, and its proper portion of the cost shall be assigned to each district or section, and the portion of the cost to be borne by each district or section shall be specially assessed on the lots therein according to the extent of their frontage by an equal special rate per foot of such frontage. R.S.O. 1914, c. 193, s. 29.

Assessment
of non-
abutting
land
unequally
benefited,

PROCEDURE FOR MAKING SPECIAL ASSESSMENT.

34.—(1) Where the owners' portion of the cost is to be specially assessed upon the lots abutting directly on the work by an equal special rate per foot frontage, before passing the by-law for undertaking it, the council shall procure to be made,—

- (a) a report as to the lifetime of the work;
- (b) a report as to the reductions, if any, which ought to be made under the provisions of section 27 in respect of any lot and the aggregate amount of such reductions;
- (c) an estimate of the cost of the work;
- (d) a statement of the share or proportion of the cost which should be borne by the land abutting directly on the work and by the corporation respectively;
- (e) a report as to the number of instalments by which the special assessment should be made payable.

(2) In the case of a work part of the owners' portion of the cost of which may be specially assessed on land not abutting directly on the work, before passing the by-law for undertaking the work, in addition to procuring the reports and estimate mentioned in subsection 1, the council shall procure to be made a further report stating,—

- (a) whether it would be inequitable to charge the whole of the owners' portion of the cost on the land abutting directly on the work; and
- (b) if inequitable to do so, what portion of the cost should be borne by the corporation, what portion thereof should be specially assessed upon the land abutting

directly

directly on the work and what land not abutting directly on the work will be immediately benefited and should be specially assessed for any part of the cost and the portion of the cost which should be specially assessed upon it. R.S.O. 1914, c. 193, s. 30.

Special assessment roll to be prepared.

35. Before a special assessment is imposed the council shall procure to be made a special assessment roll in which shall be entered,—

- (a) every lot to be specially assessed in respect of the owners' portion of the cost, the name of the owner and the number of feet of its frontage to be so assessed;
- (b) every lot which, but for the provisions of section 54, would be exempt from the special assessment and the number of feet of its frontage;
- (c) the rate per foot with which each lot is to be so assessed;
- (d) the number of instalments by which the special assessment is to be payable. R.S.O. 1914, c. 193, s. 31.

How reports, statements, etc., to be made.

36. The council may provide for the making of the reports, statements, estimates and special assessment roll mentioned in sections 34 and 35 in such manner and by such officer of the corporation or person as the council may deem proper, and may do so by a general by-law applicable to all works or to any class or classes of them or by a by-law applicable to the particular work. R.S.O. 1914, c. 193, s. 32.

Holding of court of revision.

37.—(1) Before a special assessment is imposed a sittings of the court of revision for the hearing of complaints against the proposed special assessment shall be held.

Time and place of.

(2) Ten days' notice of the time and place of the sittings shall be given by publication, and at least fifteen days before the day appointed for the sittings a notice, Form 3, shall be mailed to the owner of every lot which is to be specially assessed. R.S.O. 1914, c. 193, s. 33.

Special assessment roll to be kept open for ten days.

38. The special assessment roll shall be kept open for inspection at the office of the clerk for at least ten days next before the day appointed for the sittings of the court of revision. R.S.O. 1914, c. 193, s. 34.

39. A statement showing under appropriate heads the ^{Statement of} ^{cost of} ^{work for} ^{court of} ^{revision.} actual cost of the work, verified by the certificate of the clerk, assessment commissioner or treasurer of the municipality shall be delivered to the chairman of the court of revision before the meeting of the court. R.S.O. 1914, c. 193, s. 35.

40.—(1) In ascertaining the actual cost of the work under ^{Estimate of} ^{cost of} ^{unfinished} ^{work and} ^{unsettled} ^{claims.} the next preceding section where in the opinion of the Engineer and assessment commissioner or treasurer the cost of the unfinished work and any unsettled claims for lands taken or injuriously affected by the opening, widening, extending, grading, altering the grade of, diverting or improving a street, will not exceed in amount 25 per centum of the total estimated cost of the work, the engineer and assessment commissioner or treasurer may estimate the cost of such unfinished work, and the amount of all such claims, and the amount may be included in the actual cost to be ascertained and certified under the next preceding section, and shall be deemed to be the correct amount thereof subject to any order made with reference thereto by the court of revision.

(2) If the cost of such unfinished work and unsettled claims exceeds the amount so estimated by the engineer and assessment commissioner or treasurer the excess over the estimated amount shall be borne by the corporation.

(3) If the cost of such unfinished work and unsettled claims is less than the estimated cost the balance remaining in the hands of the municipality shall be applied *pro tanto* to payment of the rates to be levied under the by-law. 1923, c. 42, s. 3. *Amended.*

41.—(1) The court of revision shall have jurisdiction and ^{Powers of} ^{Court.} power to review the proposed special assessment and to correct the same as to all or any of the following matters:

(a) Where the owners' portion of the cost is to be specially assessed against the land abutting directly on the work, as to the following matters:

- i. The names of the owners of the lots;
- ii. The frontage or other measurements of the lots;
- iii. The amount of the reduction to be made under the provisions of section 27 in respect of any lot;

iv. As to the lots which, but for the provisions of section 54, would be exempt from special assessment;

v. As to the lifetime of the work; and

vi. As to the rate per foot with which any lot is to be specially assessed.

(b) Where part of the owners' portion of the cost is to be specially assessed on land not abutting directly on the work, in addition to the matters mentioned in clause (a), as to the lots other than those abutting directly on the work which are or will be immediately benefited by it, and as to the special assessment which such lots should respectively bear.

(c) In all cases as to the actual cost of the work.

No power
to alter
proportions
of cost.

(2) The court of revision shall not have jurisdiction or authority to review or to alter the proportions of the cost of the work which the lands to be specially assessed and the corporation are respectively to bear according to the provisions of the by-law for undertaking the work. R.S.O. 1914, c. 193, s. 36.

Adjourned
sittings of
Court in
case of
omission to
assess
certain lots.

42.—(1) Where it appears to the court of revision that any lot which has not been specially assessed should be specially assessed, before finally determining the matter the court shall adjourn its sittings to a future day and shall cause notice, Form 3, to be given to the owner of such lot of the time and place when the adjourned sittings will be held.

Time for
mailing
notice.

(2) The notice shall be mailed at least six days before the time fixed for the adjourned sittings.

Power to
fix special
assessment
of lots.

(3) If the court of revision determines that any such lot ought to be specially assessed, the court shall have jurisdiction and power to fix and determine the amount of the special assessment thereon. R.S.O. 1914, c. 193, s. 37.

When
special
assessment
roll to be
final.

43. The clerk shall make such corrections in the special assessment roll as are necessary to give effect to the decisions of the court of revision, and the roll when so corrected shall be certified by the clerk, and when so certified, except in so far as it may be further amended on appeal to the judge, such assessment roll and the special assessment shall be valid and binding upon all persons concerned and upon the land specially assessed, and the work in respect of which such special assessment roll has been made and certified, shall be

conclusively

conclusively deemed to have been lawfully undertaken and proceeded with pursuant to and in accordance with the provisions of this Act. R.S.O. 1914, c. 193, s. 38. *Amended.*

44.—(1) The council or the owner of a lot specially assessed may appeal to the judge of the county court from any decision of the court of revision.

(2) The provisions of *The Assessment Act* as to appeals to the judge shall apply to an appeal under the provisions of subsection 1.

(3) The judge shall have the like jurisdiction and powers as are conferred on the court of revision by section 41, and the provisions of section 42 shall apply where it appears to the judge that any lot not specially assessed ought to be so assessed. R.S.O. 1914, c. 193, s. 39.

BORROWING POWERS.

45.—(1) The council may agree with any bank or person for temporary advances to meet the cost of the work pending the completion of it. R.S.O. 1914, c. 193, s. 40 (1).

(2) The council may, when the work undertaken is completed, borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of the work undertaken, including the corporation's portion of the cost, and may issue debentures for the sums so borrowed. R.S.O. 1914, c. 193, s. 40 (2); 1915, c. 35, s. 7.

(3) Where the council has undertaken the construction of several sewers connected as a system of sewers, no sewer in such system shall for the purposes of subsections 1 and 2 of this section be deemed to be completed until all the sewers in such system are completed, and there shall be added to the cost of each sewer forming part of the said system of sewers its proportionate share of the whole of the interest upon the temporary loans made by the corporation pending the construction of all the sewers forming the said system as if all the said sewers had been constructed at the same time. 1925, c. 61, s. 2.

(4) The provisions of *The Municipal Act* as to by-laws for creating debts shall apply to by-laws passed under the authority of subsection 2, except that it shall not be necessary

(a) that the by-law be submitted to or receive the assent of the electors;

(b)

(b) that any rate be imposed for the payment of the principal of so much of the money borrowed as represents the owners' portion of the cost or of the interest thereon, other than the special rate per foot frontage imposed to meet it;

and except that the debentures, save as provided by section 48, shall be payable within the lifetime of the work.

Special rates for owners' portion to form special fund.

(5) The special rates imposed for the owners' portion of the cost shall form a special fund for the payment of the debentures issued under the authority of subsection 2 and the interest thereon and shall not be applicable to or be applied for any other purpose.

General rate to meet deficiency in special rate.

(6) If in any year the amount realized from the special rate imposed to provide for the owners' portion of the cost and interest is insufficient to pay the amount falling due in such year in respect of so much of the debentures as represent the owners' portion of the cost the council shall provide for the deficiency in the estimates for the following year and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon.

Owners' portion not to be deemed part of debenture debt of corporation, 1922, c. 72.

(7) The amount borrowed under the provisions of subsection 2, in respect of the owners' portion of the cost, shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of the provisions of *The Municipal Act*, limiting the borrowing powers of the municipality.

Corporation's portion may be included in yearly estimates.

(8) Instead of borrowing the amount of the corporation's portion of the cost of a work undertaken the council may include the same in the estimates of the year. R.S.O. 1914, c. 193, s. 40 (3-7).

Consolidation of by-laws.

46.—(1) Where two or more works have been constructed and the by-laws provided for by subsection 2 of section 45 have been passed, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council by by-law, hereinafter called the consolidating by-law, may provide for borrowing the aggregate of such separate sums and for issuing one series of debentures therefor.

Recitals.

(2) The consolidating by-law shall show by recitals or otherwise in respect of what separate by-laws it is passed.

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose. R.S.O. 1914, c. 193, s. 41.

47. Instead of passing a by-law under section 45 in respect of each individual work, a municipal council may pass one by-law in respect of several local improvement works, giving in such by-law in respect of each such work substantially the same information as would be given in several by-laws respecting such works, and may provide in such by-law for borrowing the aggregate cost of such several works and for issuing one series of debentures therefor. 4 Geo. V, c. 21, s. 43.

48.—(1) The council shall impose upon the land liable therefor the special assessment with which it is chargeable in respect of the owners' portion of the cost, and the same shall be payable in such annual instalments as the council shall prescribe, but not so as to extend beyond the lifetime of the work unless the work is of the class prescribed in clause (l) of section 2, in which case the annual instalments may extend over a period of not more than forty years.

(2) In fixing the amount of the annual instalments a sum sufficient to cover the interest shall be added.

(3) The council may also either by general by-law or by a by-law applicable to the particular work prescribe the terms and conditions upon which persons whose lots are specially assessed may commute for a payment in cash the special rates imposed thereon. R.S.O. 1914, c. 193, s. 42.

49. The provisions of *The Assessment Act* as to the collection and recovery of taxes, and the proceedings which may be taken in default of payment thereof, shall apply to the special assessments and the special rates imposed for the payment of them. R.S.O. 1914, c. 193, s. 43.

50.—(1) If the special assessment in respect of it has become confirmed under the provisions of section 43, no by-law for borrowing money to defray the cost of the work or for imposing the special assessment shall be quashed, set aside or adjudged to be invalid by reason of its illegality or of any defect in it, but the court in which any proceeding for quashing, setting aside or declaring to be invalid the by-law is taken shall on such terms and conditions as to costs and otherwise as may be deemed proper direct the council to amend or to repeal such by-law and, where a repealing by-law

is directed, to pass a new by-law in proper form in lieu of the repealed by-law, and it shall be the duty of the council to pass such by-law or by-laws accordingly.

Liabilities incurred to be binding.

(2) Every liability or obligation incurred and every debenture issued by the corporation under the authority of any such defective or illegal by-law shall be as effectual and as binding as if the amending or new by-law directed to be passed had been passed and was in force at the time such liability or obligation was incurred or such debenture was issued.

Where court of its own motion directs passing of new by-law.

(3) Although no proceeding has been taken to quash, set aside or declare invalid the by-law the council may of its own motion and if required by any person to whom it has incurred any liability on the faith of the by-law shall pass such amending or new by-law as may be necessary to make effectual and binding the liability so incurred and any debenture issued under the authority of such by-law, and the provisions of subsection 2 as to the effect of an amending or new by-law shall apply to any by-law so passed. R.S.O. 1914, c. 193, s. 44.

REPAIR OF WORK.

Maintenance and repair of work by corporation. **51.**—(1) After a work undertaken has been completed, it shall during its lifetime be kept in repair by and at the expense of the corporation.

General duty to repair not affected. **52.**—(1) Nothing in this Act shall relieve the corporation from any duty or obligation to keep in repair the highways under its jurisdiction to which it is subject either at common law or under the provisions of *The Municipal Act*, or otherwise, or impair or prejudicially affect the rights of any person who is damaged by reason of the failure of the corporation to discharge such duty or obligation. R.S.O. 1914, c. 193, s. 45.

Compelling corporation to repair.

52.—(1) Where, at any time during the lifetime of a work undertaken, the corporation fails to keep and maintain it in a good and sufficient state of repair, and, after one month's notice in writing by the owner or occupant of any lot specially assessed requiring the corporation to do so does not put the work in repair, a judge of the Supreme Court, or the judge of the county court of the county in which the municipality lies, upon the application of any owner or occupant of any land so specially assessed, may make an order requiring the corporation to put the work in repair.

(2) The judge may determine what repairs are necessary <sup>determination
as to
necessary
repairs.</sup> and by his order may direct them to be made in such manner within such time and under such supervision as he may deem proper.

(3) Where a person under whose supervision the repairs <sup>Remunera-
tion of per-
son super-
vising.</sup> are to be made is appointed, the judge may fix and determine the remuneration to be paid to such person and the same shall be paid by the corporation and payment thereof may be enforced in like manner and by the same process as a judgment for the payment of money.

(4) The order shall have the same effect and may be <sup>Effect of
order.</sup> enforced in like manner as a peremptory mandamus.

(5) If the corporation does not comply with the order of the judge, in addition to any other remedy to which the applicant for the order may be entitled, the judge may authorize the repairs to be made by the applicant, and if made by him the cost thereof shall be ascertained and determined by the judge, and when so ascertained and determined payment thereof may be enforced in like manner and by the same process as a judgment for the payment of money.

(6) An appeal shall lie to a Divisional Court from any <sup>Appeal to
Divisional
Court.</sup> order made under the provisions of this section. R.S.O. 1914, c. 193, s. 46. *Amended.*

ASSESSMENT OF LAND EXEMPT FROM TAXATION.

53. Land on which a church or place of worship is erected <sup>Certain
lands ex-
empt from
taxation</sup> or which is used in connection therewith, and the land of a university, college or seminary of learning, whether vested in a trustee or otherwise, except schools maintained in whole or in part by a legislative grant or a school tax, shall be liable to be specially assessed for local improvements, notwithstanding the provisions of *The Assessment Act*. R.S.O. 1914, c. 193, s. 47. *Amended.*

54. Land exempt from taxation for local improvements <sup>Land
exempt from
taxation for
local im-
provements
to be
specially
assessed.</sup> under any general or special Act shall nevertheless, for all purposes except petitioning for or against undertaking a work, be subject to the provisions of this Act and shall be specially assessed; but the special assessments imposed thereon which fall due while such land remains exempt shall not be collectible from the owner thereof but shall be paid by the corporation. R.S.O. 1914, c. 193, s. 48.

STREET CLEANING, ETC.

Cleaning,
Watering,
Lighting,
streets etc.

55.—(1) The council may by by-law provide that thereafter the annual cost of cleaning, clearing of snow and ice, watering, oiling, sweeping, lighting, light supplied in excess of that supplied at the expense of the corporation at large, cutting grass and weeds and trimming trees and shrubbery on any street, or any one or more of such services shall be specially assessed upon the land abutting directly on such street according to the frontage thereof, and the foregoing provisions of this Act shall not apply to such services. R.S.O. 1914, c. 193, s. 49 (1).

Street
Lighting,
apportion-
ment of cost.

(2) As to street lighting the by-law may provide that a part of the annual cost may be assessed upon the lands abutting directly on the street and that the remainder of such cost shall be assumed by the corporation at large. 1924, c. 57, s. 4.

Application
to defined
areas.

(3) Instead of naming the particular street or streets the by-law may apply to all the streets in a defined section or sections of the municipality.

Special rate.

(4) Where the council so provides the amount of the special rate imposed to defray such cost may be entered on the collector's roll and collected in like manner as other taxes.

Duration
of by-law.

(5) The by-law shall remain in force from year to year until repealed. R.S.O. 1914, c. 193, s. 49 (2-4).

Power to
construct
works on
boundary
lines.

56.—(1) Where a highway forms the boundary between two or more municipalities although it lies wholly within one or partly within two or more of them, the corporations of the municipalities may agree

- (a) to undertake in respect of such highway or any part of it any work or service which may be undertaken as a local improvement under this Act;
- (b) as to the council by which the work or service shall be undertaken;
- (c) as to whether the corporations' portion of the cost shall be provided for by borrowing or shall be included in the estimates of the year; and
- (d) as to the proportions in which the corporations' portion of the cost shall be borne by such corporations respectively.

(2) The council of the municipality which according to the agreement is to undertake the work or service, herein-after called the initiating council, shall have all the powers and perform all the duties in respect of it which may be exercised or are to be performed by the council of a municipality which undertakes a work or service as a local improvement under this Act, and the highway shall, for the purposes of the work or service, be deemed to lie wholly within and to be under the exclusive jurisdiction of the initiating council.

Powers and
duties of
initiating
council.

(3) The clerk of the initiating council shall forthwith, after the passing of its by-law imposing the special rates to defray the owners' portion of the cost, deliver or transmit by registered post to the clerk of any municipality in which is situate any land upon which a special rate has been imposed a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Certified
copies of
by-law to be
sent to
clerks of
other munici-
palities.

(4) The rates required by the by-law to be levied and collected in any year upon land in any municipality other than that by the council of which the by-law is passed shall be collected by the council of such municipality in like manner as if such rates had been imposed by that council.

Collection
of rates in
other munici-
palities.

(5) The corporation of each of the municipalities other than that by the council of which the work or service is undertaken shall pay to the last mentioned corporation the sums which are to be levied and collected in that year under the next preceding subsection, and such payment shall be made on demand therefor at any time after the 14th day of December in that year, and shall be made whether or not such rates have been collected from the persons liable to pay them.

Payment
over to
initiating
council.

(6) Such payment shall not relieve any land specially assessed from the special rate thereon, but it shall remain liable for the special rate until it is paid.

Payment not
to relieve
land assessed.

(7) Where the agreement provides that the corporations' portion of the cost shall be included in the estimates of the year, the corporation of each of the municipalities, other than that by the council of which the work or service is undertaken, shall pay to that corporation when the amount of the corporations' portion of the cost is finally determined its share or portion of such cost, and the amount so paid shall be provided for in the estimates for the then current year of the council of the corporation which is to pay it.

Payment
over where
corporations'
part in-
cluded in
estimates.

(8) Where the agreement provides that the amount required to defray the corporations' portion of the cost is to be met by issue of debentures borrowed.

Where
corporations'
portion
met by
issue of
debentures.
borrowed.

borrowed, the corporation of each of the municipalities, except that by the council of which the work or service is undertaken, shall in each year during the currency of the debentures issued for the money borrowed pay to that corporation the same proportion of the principal and the interest payable in that year as under the agreement it is to bear of the corporations' portion of the cost, and the amount which the by-law for borrowing the money requires to be raised in that year shall be reduced by the sum so paid.

*Maintenance
and repair.*

(9) The corporations shall bear the cost of keeping the work in repair in the proportions in which the cost of the work is to be borne by them. R.S.O. 1914, c. 193, s. 50.

*Construction
of bridge
over ravine
separating
municipalities.*

57.—(1) Where a ravine separates the lands of adjoining municipalities and it is deemed desirable to construct a bridge connecting the lands of such municipalities, the council of either municipality may pass a by-law for undertaking the work of constructing the bridge or of constructing the bridge combined with any other work which may be undertaken as a local improvement and the provisions of this Act shall apply except that, subject to the provisions of subsections 2 and 3, no part of the cost of the work shall be assessed upon lands in the other municipality.

*Agreement
with other
municipality
as to pro-
portion of
cost to be
borne by it.*

(2) Where lands which will be benefited by the work lie within the limits of any municipality other than the initiating municipality, the council of the initiating municipality may agree with the council of such other municipality as to the proportion of the cost of the work to be borne by the corporation of that municipality and the lands within it, and such last-mentioned council may pass a by-law for the issue of debentures for the amount of such proportion, payable within such period not exceeding twenty years, as the council may determine, and it shall not be necessary that the by-law be submitted to the vote of the electors.

*Powers of
other munici-
pality to
specially
assess land.*

(3) The council of such other municipality may proceed under this Act for the purpose of assessing the lands within it which will be benefited by the work their proper proportion of the amount which it shall have agreed to contribute to the cost of the work in the same way as if the work had been undertaken by such council and the amount to be so contributed were the cost of the work, and the proceedings shall be in accordance with the provisions of this Act. 1915, c. 35, s. 8.

SPECIAL PROVISIONS AS TO TOWNSHIPS, VILLAGES, ETC.

Waterworks.

58.—(1) The council of a township or village may undertake as a local improvement

- (a) the construction of waterworks;
- (b) the laying of mains and other appliances to connect with any existing system of waterworks whether owned by the corporation or by any other person.
R.S.O. 1914, c. 193, s. 51 (1), *part.*

59.—(1) The council of a village or township may in the by-law for undertaking any work as a local improvement, define a section or area in the village or township and may provide that that part of the cost which would otherwise be the corporation's portion, together with such part as to the council may seem proper of what would otherwise be the owners' portion shall be assessed and levied on the whole rateable property in such defined section or area, and where the work is the construction of a watermain, sewer, sidewalk, curb or pavement and the petition for the work so requests, may also provide that the whole cost of the work including that part which would otherwise be the corporation's portion of the cost shall be specially assessed upon the lots fronting or abutting on the work.

(2) When the work undertaken is the construction of water works the whole cost together with the annual cost of managing and maintaining the work shall be assessed by a special rate on the whole rateable property in the area. *New.*

ADOPTION OF LOCAL IMPROVEMENT SYSTEM.

60.—(1) The council of a corporation by by-law passed with the assent of the municipal electors, in accordance with the provisions of *The Municipal Act*, may provide that all works which may be undertaken as local improvements, or any one or more classes or descriptions of such works thereafter, or after a day named in the by-law, shall be undertaken as local improvements and not otherwise.

(2) The by-law may be repealed but only by a by-law passed with the like assent. R.S.O. 1914, c. 193, s. 52.

MISCELLANEOUS.

61. The special assessment and the special rates charged or chargeable upon land for or in respect of the cost of any work undertaken, whether upon petition or otherwise, except so much of them as is in arrear and unpaid, shall not, as between a vendor and a purchaser, or as respects a covenant against incumbrances, or for the right to convey, or for quiet possession free from incumbrances, be deemed to be an incumbrance upon the land upon which the special rate is charged or chargeable. R.S.O. 1914, c. 193, s. 53.

When work
may be
completed.

62. Proceedings for undertaking a work begun by one council may be continued, and the work may be begun, continued and completed by a succeeding council. R.S.O. 1914, c. 193, s. 54.

Municipal
Board may
prescribe
forms

63. The Municipal Board may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding which is in substantial conformity with the form so approved shall not be open to objection on the ground that it is not in the form required by the provisions of this Act applicable thereto; but the use of such forms shall not be obligatory. R.S.O. 1914, c. 193, s. 55.

FORM 1.

(*Section 10.*)

Take notice that

1. The Council of the Corporation of the _____ of _____ intends to construct as a local improvement (*describe the work*) on (or in) _____ street, between (*describe the points between which the work is to be constructed*) and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed add*) and upon the following land which is immediately benefited by the work (*describe the land*).

2. The estimated cost of the work is \$ _____. _____, of which \$ _____ is to be paid by the Corporation. The estimated cost per foot frontage is _____. The special assessment is to be paid in _____ annual instalments.

3. A petition to the said council will not avail to prevent its construction, but a petition against the work or the manner in which it has been undertaken, may be made pursuant to section 8 of *The Local Improvement Act*, to the Ontario Railway and Municipal Board, by a majority of the owners representing at least one-half of the value of the lots which are to be specially assessed therefor.

4. A by-law for undertaking the work will be considered by the council at a meeting thereof to be held on the _____ day of _____ 19_____, or at a regular or special meeting thereof to be held thereafter.

Dated.

Clerk.

(*Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.*)

R.S.O. 1914, c. 193, Form 1; 1924, c. 57, s. 6. Amended.

FORM 2.

(Section 12.)

Take notice that

3. Persons desiring to petition against undertaking the work must do so on or before the day of 19 .

Dated

Clerk.

(Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.)

R.S.O. 1914, c. 193, Form 2.

FORM 3.

(Sections 37 (2) and 42.)

Take notice that

1. The Council of the Corporation of the _____ of
has constructed as a local improvement (*describe the work*) on (or in)
street between (*describe the points between which the work*
has been constructed).

2. The cost of the work is \$ _____ of which \$ _____
is to be paid by the Corporation. The special rate per foot frontage is
_____ . The special assessment is to be paid in
annual instalments.

3. The estimated lifetime of the work is _____ years.

4. A Court of Revision will be held on the _____ day of
19_____, at _____ o'clock at the (*insert place of meeting*) for the
purpose of hearing complaints against the proposed assessments or the
accuracy of frontage measurements and any other complaint which persons
interested may desire to make and which is by law cognizable by the
Court.
or (*where the Court of Revision proceeds under section 42*).

5. You are served with this notice because the Court of Revision is
of opinion that your lot though not specially assessed should be specially
assessed in respect of the owners' portion of the cost of the work and an
adjourned sittings of the Court will be held on the
day of 19_____, at _____ o'clock at the (*insert place of
meeting*) when the matter will be determined by the Court.

Dated

Clerk.

(Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.)

R.S.O. 1914, c. 193, Form 3.

CHAPTER 63.

An Act to amend The Assessment Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 195, s. 5,
par. 20,
amended.

1.—(1) Paragraph 20 of section 5 of *The Assessment Act* as enacted by section 5 of *The Assessment Amendment Act, 1926*, is repealed and the following substituted therefor,—

Exemption
on income.

20. The annual income derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services by any person assessable directly in respect to income under this Act to the amount of \$3,000 if such person is a householder in the municipality and assessed as such, or being the head of a family occupies with his family any portion of a dwelling house, although not assessed therefor, and to the amount of \$1,500 if such person is not a householder or the head of a family as above-mentioned, and the income of any person derived from any investment or from money on deposit in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities to the amount of \$1,000 where the income of such person from all sources does not exceed \$2,000, or in the case of a widow or of any person over 60 years of age to the amount of \$2,000 where the income of such widow or of any person over 60 years of age from all sources does not exceed \$3,000.

(2) Subsection 1 shall not apply to taxes levied in 1927 on an assessment made in 1926.

Rev. Stat.,
c. 195, s. 5,
amended.

2.—(1) Section 5 of *The Assessment Act* is amended by adding thereto the following paragraph:

"Wood-
lands."

22. Any part of a farm used for forestry purposes or being "woodlands." Provided that such exemption shall not be greater than one acre in ten acres of such farm and not more than twenty acres held under a single ownership.

(a) "Woodlands" for the purposes of this paragraph shall mean lands having not less than 400 trees per acre of all sizes, or 300 trees, measuring over 2 inches in diameter, or 200, measuring over 5 inches in diameter, or 100, measuring over 8 inches in diameter (all such measurements to be taken at 4½ feet from the ground) of one or more of the following kinds: White or Norway pine, white or Norway spruce, hemlock, tamarac, oak, ash, elm, hickory, basswood, tulip (white wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety which may be designated by order-in-council; and which said lands have been set apart by the owner for the sole purpose of fostering the growth of the trees thereon and which are not used for grazing live stock.

(2) Section 234 of *The Assessment Act* is hereby repealed. Rev. Stat.
c. 195, s. 234,
repealed.

3. Subsection 9 of section 40 of *The Assessment Act* as enacted by section 5 of *The Mining Tax Act, 1917*, is repealed Rev. Stat.
c. 195, s. 40,
subs. 9,
(1917, c. 7,
s. 5) repealed. and the following substituted therefor:

(9) Notwithstanding anything in this section contained Limit of
municipal
tax on
income the income tax payable to any municipality upon a mine or mining work liable to taxation under section 5 of *The Mining Tax Act* shall not exceed one and one-half per centum of the annual profits of the mine or mining work upon which the tax payable under the said section 5 is based, unless the amount of such annual profits exceeds a sum which will yield \$35,000 in respect of such income tax when an additional one per centum of such excess annual profits shall be payable to the municipality.

4. Subsection 4 of section 109 of *The Assessment Act* is amended by striking out the words "unless they are the property of the person taxed, or of the owner, though his name does not appear on the roll." Rev. Stat.
c. 195, s. 109,
subs. 4,
amended.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act

CHAPTER 64.

An Act to amend The Statute Labour Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Statute Labour Act, 1927.*

Rev. Stat.,
c. 196,
ss. 1-14,
repealed.

2. Sections 1 to 14 of *The Statute Labour Act* are repealed and the following substituted therefor:—

EXEMPTIONS.

Exemption
of persons
in naval and
military
service.

1. The following persons shall not be liable to perform statute labour or to commute therefor:—

(a) Every person in His Majesty's Naval or Military Service on full pay, or on actual service;

(b) Every non-commissioned officer or private of the Volunteer Force, certified by the officer commanding the company to which such volunteer belongs or is attached, as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. R.S.O. 1914, c. 196, s. 2. (See *Firemen's Exemption Act*, R.S.O., c. 201.)

POLL TAX.

Poll Tax—
who liable
for.

2.—(1) Councils of cities, towns, villages and townships may pass by-laws for levying and collecting an annual tax to be known as "Poll Tax" of not less than \$1 and not more than \$5 from every male inhabitant of the municipality who

(a) is twenty-one years or over and under sixty years of age;

(b)

- (b) is not exempt from performing statute labour;
 - (c) is not otherwise assessed in the municipality or who is assessed and whose taxes are less than the poll tax; R.S.O. 1914, c. 196, s. 4 (1); 1916, c. 42, s. 1; 1917, c. 46, s. 1 *Redrafted*;
 - (d) has not filed with the clerk a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario. R.S.O. 1914, c. 196, s. 8.
- (2) Where any person is assessed and his taxes are less than the amount of the poll tax he shall be liable to pay the poll tax only. *New*.
- (3) Where any such male inhabitant has been employed by the same person for not less than thirty days such employer shall pay over to the collector on demand out of any wages due to such employee the amount of such tax and such payment shall relieve the employer from any liability to the employee for the amount so paid. 1918, c. 35, s. 1 (2).

STATUTE LABOUR.

- 3.—(1) Every person assessed upon the assessment roll of a township which has not passed a by-law abolishing statute labour shall, if his property is assessed at not more than \$300, be liable to two days' statute labour; at more than \$300 but not more than \$500, three days; at more than \$500 but not more than \$700, four days; at more than \$700 but not more than \$900, five days; and for every \$300 over \$900, or any fractional part thereof over \$150, one additional day; but the council may, by a by-law operating generally and rateably, reduce or increase the number of days' labour to which all the persons, rated on the assessment roll or otherwise, shall be respectively liable so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed; and in all cases both of residents and non-residents the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.

- (2) Wherever one person is assessed for lots or parts of several lots in different parts of the township, not exceeding in the aggregate 200 acres, the said part

or

or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess over 200 acres as if the excess were one lot.

Where labour to be performed.

- (3) Every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council. R.S.O. 1914, c. 196, s. 9.

Regulations as to performance.

- (4) The council may pass by-laws for regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. 1916, c. 42, s. 2.

Commuta-
tion of
labour.

- 4.—(1) The council of any township may by by-law direct that a sum not exceeding \$3 a day shall be paid as commutation of statute labour for the whole or any part of such township, in which case the amount of the commutation shall be added in a separate column in the collector's roll and shall be collected and accounted for like other taxes. R.S.O. 1914, c. 196, s. 10; 1918, c. 35, s. 3.

- (2) Where no such by-law has been passed the statute labour in respect to lands of residents and non-residents shall be commuted at the rate of \$2 for each day's labour. R.S.O. 1914, c. 196, s. 12; 1918, c. 35, s. 5.

Labour in
township in
which poll
tax is not
levied.

- 5.—(1) In a township which has not passed a by-law abolishing statute labour or a by-law for levying poll tax every male inhabitant of the township who

(a) is twenty-one years or over and under sixty years of age;

(b) is not exempt from performing statute labour;

(c) is not otherwise assessed in the township;

(d) has not filed with the clerk a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario

shall be liable to one day of statute labour on the roads and highways in the township. R.S.O. 1914, c. 196, s. 5; 1918, c. 35, s. 2. *Redrafted.*

- (2) Every farmer's son entered as such on the assessment roll of a township shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor as if he were not so entered. R.S.O. 1914, c. 196, s. 7. *Part.*
- Case of farmer's son.
6. The council of every township may pass by-laws to abolish statute labour. R.S.O. 1914, c. 196, s. 7. *Part.*
- Abolition of labour.
- 7.—(1) Every person liable to pay poll tax shall pay the same to the collector appointed to collect the same within two days after demand therefor by the collector; and in case of neglect or refusal to pay the same the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of distress; and if no sufficient distress can be found the defaulter, for his refusal or neglect to pay the said sum, shall incur a penalty of \$5. *Collector of poll tax.*
- (2) Any person liable to perform statute labour under section 5 not commuted shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for that purpose, and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of \$5. *Penalty for non-performance.*
- (3) All sums and penalties, other than costs, recovered under this section shall be paid to the treasurer of the local municipality and shall form part of the Statute Labour Fund thereof. R.S.O. 1914, c. 196, s. 13. *Payment of penalties to treasurer.*
8. A non-resident owner of unoccupied land shall not be permitted to perform statute labour in respect of non-thereof; but such labour shall be commuted and the amount of the commutation shall be charged against every separate lot or parcel and be entered in the collector's roll, and the council shall order all sums paid on that account to be expended in the statute labour division in which the property is situate. R.S.O. 1914, c. 196, s. 14. *Redrafted.* *Commutation in case of non-resident owner of unoccupied land.*
3. Section 16 of *The Statute Labour Act* is repealed and the following substituted therefor: *Rev. Sect. c. 196, s. 16 repealed.*
16. Twenty resident landholders in any unincorporated township or in any two contiguous unincorporated townships or in any designated parts of two such townships meeting for election of road commissioners. *Meeting for election of road commissioners.*

contiguous

contiguous townships shall have the right to have a public meeting called for the purpose of electing road commissioners.

Rev. Stat.,
c. 196, s. 17
repealed.

4. Section 17 of *The Statute Labour Act* is repealed and the following substituted therefor:

Requisition
for meeting.

- 17.—(1) The landholders desiring the meeting to be called shall sign a requisition authorizing some one of their number, who shall be named in the requisition, to call a meeting of the resident landholders of such township or townships or of the designated parts of such townships for the purpose of electing road commissioners.
- (2) Where it is proposed that the road commissioners shall have jurisdiction over two townships or designated parts of two townships the requisition shall be signed by at least eight resident landholders in any one township or part of a township, and shall also designate what parts of the township are to be included.

Rev. Stat.,
c. 196, s. 19,
repealed.

5. Section 19 of *The Statute Labour Act* is repealed and the following substituted therefor:

Notice of
meeting.

19. The notice calling the meeting shall name a place, day and hour for holding it and shall be posted up in at least six conspicuous places and at each post office and public school house in the township or townships as the case may be, and the day named shall be at least ten days from the date of the notice.

Rev. Stat.,
c. 196, s. 21,
amended.

6. Section 21 of *The Statute Labour Act* is amended by striking out the words "or may not be a landholder of the township," in the seventh line.

Rev. Stat.,
c. 196, s. 27,
subs. 1,
amended.

7. Subsection 1, of section 27, of *The Statute Labour Act* is amended by adding after the word "thereof" in the fifth line the words "and direct the performance of statute labour thereon."

Rev. Stat.,
c. 196, s. 27,
subs. 2,
amended.

8. Subsection 2 of section 27 of *The Statute Labour Act* is amended by striking out the words "Department of Lands, Forests and Mines" in the last line and inserting in lieu thereof the words "Department of Lands and Forests and the Commissioners may pay the cost of preparing such plan out of any moneys received by way of commutation of statute labour."

9. Section 27 of *The Statute Labour Act* is amended by Rev. Stat., c. 196, s. 27, adding the following subsection:

(3) In the case of a deviation passing over any patented improved land the commissioners may pay to the owner of the land taken for the purpose of making the deviation the value of it as may be agreed upon between the commissioners and the owner, or in case of disagreement as may be fixed by the Judge of the District Court of the district on an application made to him by the commissioners for that purpose. Compensation for land taken for deviation.

10. Section 28 of *The Statute Labour Act* is repealed and Rev. Stat., c. 196, s. 28, the following substituted therefor:

28. The time for the performance of statute labour shall Time for performance from time to time be regulated and fixed by resolution of the commissioners.

11. Subsection 1 of section 29 of *The Statute Labour Act* Rev. Stat., c. 196, s. 29, is amended by inserting after the word "householder" in the subs. 1, seventh line the words "who is not an owner or locatee of the land." amended.

12. Section 31 of *The Statute Labour Act* is amended by Rev. Stat., c. 196, s. 31, adding at the end thereof the words "unless in the opinion amended. of the commissioners such money should be expended on other roads under their jurisdiction."

13. Section 31a of *The Statute Labour Act* as enacted by Rev. Stat., c. 196, s. 31a, section 1 of chapter 69 of the Acts passed in 1921 is amended amended. by adding at the end thereof the words "unless in the opinion of the commissioners such money should be expended on other roads under their jurisdiction."

14. Section 33 of *The Statute Labour Act* is amended by Rev. Stat., c. 196, s. 33, adding at the end thereof the words "or such other roads as amended. in the opinion of the commissioners require improvement."

15. Subsection 4 of section 34 of *The Statute Labour Act* Rev. Stat., c. 196, s. 34, is amended by adding at the end thereof the words "and subs. 4, amended. shall be available for inspection at all reasonable times by any owner, or locatee of land, or householder in the area over which the commissioners have jurisdiction."

16. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

CHAPTER 65.

An Act respecting Hours of Labour and Two Platoon System for Firemen.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

Two platoon system.

1. This Act may be cited as *The Fire Departments Act, 1927.*

2. Where in any city or town having a population of not less than 10,000 there is a permanent fire department, the officers and employees of which are regularly employed as firemen and paid by the municipal corporation, it shall be the duty of the chief, superintendent or commission, as the case may be, to divide the members of the said fire department into two platoons who shall work according to one or other of the two following systems, namely,—

No. 1 System—The said chief of the fire department shall not keep a platoon on duty for more than twenty-four consecutive hours, after which the platoon working the twenty-four hours shall be allowed twenty-four consecutive hours off duty.

No. 2 System—One platoon shall work day work of ten consecutive hours, while the other platoon works night work of fourteen consecutive hours, each platoon to alternate every seventh day from night to day work and *vice versa.* 1921, c. 80, s. 2.

Act not to affect salaries or holidays of employees.

3. No deduction shall be made from the pay or the holidays of the employees of a permanent fire department by reason of the provisions of this Act. 1921, c. 80, s. 4, *part.*

Employees of fire departments to be off duty one day in seven.

4. Where in any city, town or village there is a permanent fire department, the officers and employees of which are regularly employed and paid by the municipal corporation, every officer and employee of such department shall be off duty for one full day of twenty-four hours in every calendar week, but where what is known as "double platoon system" is

in operation in any such fire department the twenty-four hours' release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. 1920, c. 88, s. 2.

5. The provisions of this Act shall have effect notwithstanding any regulation or by-law of a municipal corporation relating to a fire department. 1920, c. 88, s. 3. Act to prevail over municipal regulations.

6. Every fire chief, superintendent, director or officer of every such fire department who requires or requests an employee of the department to be on duty in violation of the provisions of this Act shall incur a penalty of not less than \$10 nor more than \$100. 1920, c. 88, s. 4. Penalties.

7. *The Fire Departments Hours of Labour Act* passed in 1920, chaptered 88 and *The Fire Departments Two Platoon Act* passed in 1921, chaptered 80 are repealed. Repeal.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 66.

An Act to amend The Highway Traffic Act, 1923.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1927.*

1923, c. 48,
s. 2, cl. k
amended.

2. The clause lettered *k* in section 2 of *The Highway Traffic Act, 1923*, as amended by subsection 1 of section 2 of *The Highway Traffic Act, 1925*, is further amended by striking out the words "nor to a motor vehicle hired for special trips and commonly known as a taxi cab."

1923, c. 48,
s. 6, subs. 1,
amended.

3. Subsection 1 of section 6 of *The Highway Traffic Act, 1923*, as enacted by section 5 of *The Highway Traffic Act, 1925*, is amended by adding after the word "notice" in the first line the words "on the prescribed form."

1923, c. 48,
s. 9, subs. 2
amended.

4. Subsection 2 of section 9 of *The Highway Traffic Act, 1923*, as amended by section 2 of *The Highway Traffic Act, 1924*, is further amended by striking out the words "by non-resident corporations" in the ninth line and inserting in lieu thereof the words "by non-residents."

1923, c. 48,
s. 10,
amended.

5. Section 10 of *The Highway Traffic Act, 1923*, is amended by adding thereto the following subsections:

**Lights on all
vehicles.**

(18) (a) Subject to the provisions of clause *b*, every vehicle other than a motor vehicle or a bicycle or a tricycle, when on a highway after dusk and before dawn, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear. Any lamp so used shall be clearly visible at a distance of at least 200 feet.

**Reflector in
certain
cases.**

(b) The Department may by regulation permit a reflector of a design approved by the Department to be displayed

displayed in lieu of a lighted lamp on vehicles commonly used for conveying inflammable materials or vehicles which are structurally unsuitable for carrying lighted lamps.

- (19) Any person who violates any of the provisions of subsection 18 shall incur, for the first offence, a penalty of not more than \$5; for the second offence a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25.

6. Subsection 1 of section 11 of *The Highway Traffic Act*, 1923, c. 48, s. 11, subs. 1, is amended by adding thereto the following clause: *amended.*

- (a) Every motor vehicle equipped with four-wheel brakes shall have exposed on the back thereof and so placed as to be clearly visible to drivers of vehicles approaching from the rear a red sign as approved by the Department.

7.—(1) Subsection 1 of section 24 of *The Highway Traffic Act*, 1923, c. 48, s. 24, subs. 1, as amended by section 6 of *The Highway Traffic Act*, 1926, is further amended by striking out the figures "12½" in the sixth line and inserting in lieu thereof the figures "15."

(2) Subsection 2 of section 24 of *The Highway Traffic Act*, 1923, c. 48, s. 24, subs. 2, is amended by striking out the figures "25" in the third line and inserting in lieu thereof the figures "35."

8. Section 25 of *The Highway Traffic Act*, 1923, is amended by striking out the words "who drives a motor vehicle on a highway at a greater rate of speed than 40 miles per hour or" in the second and third lines thereof.

9. Subsection 3 of section 27 of *The Highway Traffic Act*, 1923, c. 48, s. 27, subs. 3, as amended by section 13 of *The Highway Traffic Act*, 1925, is further amended by striking out the figures "10" in the third line and inserting in lieu thereof the figures "20."

10. Subsection 1 of section 30 of *The Highway Traffic Act*, 1923, c. 48, s. 30, subs. 1, 1a, 2, 3, repealed, as amended by subsection 1 of section 4 of *The Highway Traffic Act*, 1924; and subsection 1a of section 30 of *The Highway Traffic Act*, 1923, as enacted by subsection 6 of section 4 of *The Highway Traffic Act*, 1924, and as amended by subsection 1 of section 14 of *The Highway Traffic Act*, 1925; and subsection 2 of section 30 of *The Highway Traffic Act*, 1923,

as amended by subsection 2 of section 4 of *The Highway Traffic Act, 1924*; and subsection 3 of section 30 of *The Highway Traffic Act* as enacted by subsection 3 of section 4 of *The Highway Traffic Act, 1924*, as amended by section 7 of *The Highway Traffic Act, 1926*, are repealed and the following substituted therefor:

Restrictions
on weight of
load and
vehicle.

30.—(1) Save as provided in subsections 2 and 3 no vehicle, object or contrivance for moving loads shall be operated and no object shall be moved upon wheels, rollers or otherwise in excess of a gross weight of eight tons or of twelve thousand pounds on any one axle including the vehicle, object and load over or upon any highway without first obtaining a permit as provided by section 31.

Special
permits
up to Dec.
31st, 1928.

(2) Special permits may be granted for the operation of motor vehicles which were registered with the Department prior to the 1st day of January, 1923, as having a gross weight in excess of ten tons or motor vehicles which were so registered prior to the first day of January, 1924, as having a gross weight of more than eight and less than ten tons, provided that in no event shall a permit be issued for the operation of any such vehicle after the 31st day of December, 1928.

Case of
vehicle
equipped
with pneu-
matic tires.

(3) Public vehicles with a gross weight not in excess of ten tons or twelve thousand pounds on any one axle and equipped wholly with pneumatic tires may be operated upon any highway.

1923, c. 48,
s. 31, subs.
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14. Section 53 of *The Highway Traffic Act, 1923*, is amended 1923, c. 48, s. 53, amended by adding the following subsection:

(2) On sufficient evidence being adduced to show that by reason of the default or unlawful act of the person to be summonsed a summons could not be issued and served within the time specified a magistrate may extend the time for issuing and serving a summons.

15. This Act with the exception of sections 5, 6, 10 and 11 shall come into force on the day upon which it receives the Royal Assent.

16. Sections 5 and 6 shall come into force on the 1st day of October, 1927, and sections 10 and 11 shall come into force on the 1st day of January, 1928.

CHAPTER 67.

An Act to amend The Public Vehicle Act, 1923.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Public Vehicle Amendment Act, 1927.*

1923, c. 49, s. 3, cl. c, (1925, c. 66, s. 2, subs. 2), amended. **2.**—(1) The clause lettered *c* of section 3 of *The Public Vehicle Act, 1923*, as re-enacted by subsection 1 of section 2 of *The Public Vehicle Act, 1925*, is repealed and the following substituted therefor:

"Highway." **(c)** “Highway” shall mean highway as defined by *The Highway Traffic Act, 1923.*

1923, c. 49, s. 3, cl. d (1925, c. 66, s. 2, subs. 2), repealed. **(2)** The clause lettered *d* of section 3 of *The Public Vehicle Act, 1923*, as amended by subsection 2 of section 2 of *The Public Vehicle Act, 1925*, and as further amended by subsection 2 of section 2 of *The Public Vehicle Act, 1926*, is repealed and the following substituted therefor:

"Public vehicle." **(d)** “Public vehicle” shall mean a motor vehicle operated by or on behalf of any person carrying on upon the highway the business of a public carrier of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, nor motor vehicles operated solely within the corporate limits of one urban municipality.

1923, c. 49, s. 4, subs. 1, amended. **3.** Subsection 1 of section 4 of *The Public Vehicle Act, 1923*, is amended by striking out the word “public” in the first line thereof.

commencement of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 68.

An Act to regulate the Operation of Public Commercial Vehicles.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Public Commercial Vehicle Act, 1927.* Short title.

2. In this Act,—

Inter-
pretation.

(a) "Public Commercial Vehicle" shall mean a motor vehicle operated on a public highway by or on behalf of any person who holds himself out to the public as carrying on the business of a public carrier of goods, wares or merchandise and running between two or more municipalities but shall not include a motor vehicle while hired or used by any person for the transportation of his own goods, wares or merchandise exclusively.

3. No person shall conduct upon a public highway by means of a public commercial vehicle the business of a public carrier of goods, wares or merchandise unless licensed so to do by the Department of Public Highways.

4. The Lieutenant-Governor in Council may make regulations,— Regulations.

(a) as to the issue of licenses and the fees to be paid therefor;

(b) fixing the amount of insurance which shall be carried to indemnify the owner of the goods, wares and merchandise against loss, and the form of the bill of lading to be used, and

(c) generally for the better carrying out of the provisions of this Act.

Fees.

5. The fees to be paid under this Act shall be in addition to those payable under *The Highway Traffic Act, 1923.*

Penalty.

6. Any person who violates any of the provisions of this Act or of the regulations passed thereunder shall incur for the first offence a penalty of not less than \$10 and not more than \$25; for the second offence not less than \$25 and not more than \$50, and for the third offence not less than \$50 and not more than \$100.

Commencement of Act.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

CHAPTER 69.

An Act to encourage the Planting and Growing
of Trees.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Tree Planting Act, 1927.* Short title.
2. An owner of land may with the consent of the owner of adjoining land, plant trees on the boundary between such lands, and every tree so planted shall be the common property of such owners. Trees on boundary lines.
3. Any person who ties or fastens any animal to or injures or destroys any tree growing for the purposes of shade or ornament upon a boundary line between lands, or who suffers or permits any animal in his charge to injure or destroy or who trims, cuts down or removes any such tree without the consent of the owners thereof, shall incur a penalty not exceeding \$25. Penalty for injuring trees on highways.
4. *The Tree Planting Act*, being Chapter 213 of The Revised Statutes of Ontario, 1914, is hereby repealed. Rev. Stat. 1914, c. 213, repealed.

[NOTE.—*For other provisions relating to trees upon highways see The Highway Improvement Act, The Municipal Act and The Line Fences Act.*]

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 70.

An Act to regulate and control the Sale of Liquor
in Ontario.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

Short title. **1.** This Act may be cited as *The Liquor Control Act (Ontario)*.

Interpretation. **2.** In this Act,—

"Beer." **(a)** "Beer" shall mean any liquor obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water and containing more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol, and "light beer" shall mean any beverage containing one per centum but not more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol;

"License." **(b)** "License" shall mean a license granted to sell beer or liquor to the Board as provided by this Act;

"Board." **(c)** "Board" shall mean Liquor Control Board of Ontario;

"Dentist." **(d)** "Dentist" shall mean a member of the Royal College of Dental Surgeons of Ontario registered under *The Dentistry Act* holding a valid and unrevoked certificate of license to practice dentistry under the said Act;

"Druggist." **(e)** "Druggist" shall mean a pharmaceutical chemist registered and entitled to practice under *The Pharmacy Act*;

- (f) "Government store" shall mean store established by "Government Store," the Board under this Act for the sale of liquor;
- (g) "Interdicted person" shall mean a person to whom the "Interdicted person," sale of liquor is prohibited by order under this Act;
- (h) "Justice" shall mean police magistrate and where "Justice," no police magistrate is available shall include two or more justices of the peace or any person having the power or authority of two or more justices;
- (i) "Liquor" shall mean and include any alcohol, "Liquor," alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption which are intoxicating, and any liquor which contains more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol shall conclusively be deemed to be intoxicating; the term "Liquor" shall include beer but shall not include light beer.
- (j) "Minister" shall mean the member of the Executive "Minister," Council to whom for the time being is assigned the supervision of the administration of this Act;
- (k) "Native wine" shall mean native wine manufactured "Native Wine," from grapes or cherries grown in Ontario;
- (l) "Package" shall mean any container, bottle, vessel or "Package," other receptacle used for holding liquor;
- (m) "Permit," except in section 70 of this Act, shall mean "Permit," permit for the purchase of liquor or beer issued by the Board and in section 70 shall mean permit for the sale of light beer.
- (n) "Physician" shall mean legally qualified medical "Physician," practitioner registered under *The Medical Act*;
- (o) "Prescription" shall mean memorandum in the form "Prescription," prescribed by the regulations, signed by a physician, and given by him to a patient for the purpose of obtaining liquor pursuant to this Act for use for medicinal purposes only;
- (p) "Public place" shall mean and include any place, "Public place," building or convenience to which the public has, or is permitted

permitted to have, access and any highway, street lane, park or place of public resort or amusement;

"Residence." (g) "Residence" shall mean and include any building or part of a building or tent where a person resides but shall not include any part of a building which part is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof, nor any place from which there is access to a club or hotel except through a street or lane or other open and unobstructed means of access.

"Regula-
tions." (r) "Regulations" shall mean regulations made by the Board and approved by the Lieutenant-Governor in Council under this Act;

"Sale" and
"sell." (s) "Sale" and "sell" shall include exchange, barter and traffic and shall also include the selling or supplying or distribution, by any means whatsoever, of liquor or of any liquid known or described as beer or light beer by any partnership, or by any society, association or club, whether incorporated or unincorporated, and whether heretofore or hereafter formed or incorporated, to any partnership, society, association or club or to any member thereof;

"Veter-
inary." (t) "Veterinary" shall mean a person authorized to practise veterinary science in Ontario under *The Veterinary Science Practice Act*;

"Wine." (u) "Wine" shall mean and include any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples, etc., or other agricultural products containing sugar, including honey, milk, etc.

Division of
Act. **3.** It is hereby expressly declared that the division of this Act into parts is for convenience only.

PART I.

ADMINISTRATION OF THIS ACT, CREATION OF BOARD AND ITS POWERS AND FUNCTIONS.

Establish-
ment of
Control
Board. **4.** There shall be a Board known as "The Liquor Control Board of Ontario" consisting of one, two or three members as may be determined from time to time by the Lieutenant-Governor in Council, with the powers and duties herein specified, and the administration of this Act, including the

general control, management and supervision of all Government liquor stores shall be vested in the Board.

5. The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof who shall be known as the "Chief Commissioner" and he may designate any member or an officer of the Board to be Deputy Chief Commissioner and in case of a vacancy in the office, or of sickness or inability to act of the Chief Commissioner, the Deputy Chief Commissioner shall have and may exercise and perform all the powers, duties and functions of the Chief Commissioner.

6. The Lieutenant-Governor in Council shall,—

Appoint-
ment and
salaries of
the
Board.

- (a) Appoint the member or members of the Board;
- (b) Specify what member or members shall constitute a quorum of the Board;
- (c) Fix the salaries of the members of the Board.

Salaries.

7. The principal office of the Board shall be at the seat of Government at Toronto.

Principal
office.

8. The Chief Commissioner shall have charge of the officers, inspectors, clerks and servants of the Board who shall be responsible to him in the first instance.

Chief com-
missioners
duties and
powers.

9. No regulation of the Board shall be valid or binding unless it is assented to by the Chief Commissioner or in his absence by such member or official of the Board as the Lieutenant-Governor in Council may designate.

Authentica-
tion of
regulations.

10. It shall be the duty of the Board and it shall have power,—

Power and
duties of
Board.

- (a) to buy, import and have in its possession for sale, and to sell liquor in the manner set forth in this Act;
- (b) to control the possession, sale, transportation and delivery of liquor in accordance with the provisions of this Act;
- (c) to determine the municipalities within which Government liquor stores shall be established, throughout the Province, and the situation of the stores in any municipality;
- (d) to make provision for the maintenance of warehouses for beer or liquor and to control the keeping in and delivery of or from any such warehouses;

Location
of stores.

Provision
for ware-
houses.

(e)

Grant permits.

(e) to grant, refuse or cancel permits for the purchase of liquor;

Leasing premises.

(f) to lease any land or building required for the purposes of this Act;

Acquisition of plant, etc.

(g) to purchase or lease or acquire the use by any manner whatsoever of any plant or equipment which may be considered necessary or useful in carrying into effect the object and purposes of this Act;

Expert advice.

(h) to engage the services of experts and persons engaged in the practice of any profession where it is deemed expedient;

Appointment of officials to issue permits.

(i) to appoint officials to issue and grant permits under this Act;

Packages.

(j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold under this Act;

Vendors of sacramental wines.

(k) to appoint one or more vendors of sacramental wines in any municipality and to regulate or restrict the keeping for sale, sale and delivery of such wine;

General.

(l) without in any way limiting or being limited by the foregoing clauses generally to do all such things as may be deemed necessary or advisable by the Board for the purpose of carrying into effect the provisions of this Act or the regulations.

Regulations.

11.—(1) The Board with the approval of the Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as the Board may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof, and such regulations shall be published in the *Ontario Gazette*, and upon being so published shall have the same force and effect as if enacted in this Act and any such regulations may be repealed, altered or amended from time to time by the Board subject to like approval and the publication of such alteration, repeal or amendment in the manner aforesaid.

Power of Board to make regulations.

(2) Without limiting the generality of the provisions contained in subsection 1 it is declared that the powers of the Board to make regulations in the manner set out in the said subsection shall extend to and include the following:

Regulating equipment.

(a) Regulating the equipment and management of

Government stores and warehouses in which liquor may be kept or sold;

- (b) Prescribing the duties of the officers, inspectors, clerks and servants of the Board and regulating their conduct while in the discharge of their duties; Duties of employees.
- (c) Governing the purchase of liquor and the furnishing of liquor to Government stores established under this Act; Purchase of liquor.
- (d) Determining the classes, varieties and brands of liquor to be kept for sale at Government stores; Varieties of liquor.
- (e) Prescribing, subject to this Act, the days and hours at which Government liquor stores or any of them shall be kept open for that purpose; Hours for sale.
- (f) Providing for the issue and distribution of price lists showing the price to be paid for each class, variety or brand of liquor kept for sale under this Act; Price list.
- (g) Prescribing the books of account to be kept by the Board showing the expenditure of the Board in the administration of the Act and in the purchase, sale and delivery of liquor thereunder and the receipts of the Board from the sale of liquor in any Government store or from the issue of permits for the purchase of liquor; Books of account and records of sales.
- (h) Prescribing an official seal and official labels and determining the manner in which such seal or label shall be attached to every package of liquor sold or sealed under this Act, including the prescribing of different official seals or different official labels for the different classes, varieties and brands of liquor; Official seal.
- (i) Prescribing forms to be used for the purposes of this Act or of the regulations made thereunder, and the terms and conditions in permits and licenses issued and granted under this Act; Forms, etc. -
Permits, etc.
- (j) Prescribing the nature of the proof to be furnished and the conditions to be observed in the issuing of duplicate permits in lieu of those lost or destroyed; Duplicate permits.
- (k) Prescribing the kinds and quantities of liquor which may be purchased under permits of any class, including the quantity which may be purchased at any one time or within any specified period of time; and the alcoholic content of any such liquor; Kinds and quantities.

Records of purchases by holders of permits.

- (l) Prescribing the forms of records of purchases of liquor by the holders of permits, and the reports to be made thereon to the Board, and providing for inspection of the records to be kept;

Notices.

- (m) Prescribing the manner of giving and serving notices required by this Act or the regulations made thereunder;

Duties of officials to issue permits.

- (n) Prescribing the duties of officials authorized to issue permits under this Act;

Fees.

- (o) Prescribing the fees payable in respect of permits and licenses issued under this Act for which no fees are prescribed in this Act, and prescribing the fees for anything done or permitted to be done under the regulations made thereunder;

Books, etc.

- (p) Prescribing, subject to the provisions of this Act, the books, records and returns to be kept by the holder of any license for the sale of liquor under this Act;

Distribution and storage.

- (q) Supervising the distribution of supplies and the manner in which liquor may be kept and stored;

Delivery and conveyance of liquor.

- (r) Supervising the hours and days upon which, and the manner, methods and means by which vendors and brewers shall deliver liquor under this Act and the hours and days during which, and the manner, methods and means by which liquor, under this Act, may be lawfully conveyed and carried;

Conduct of premises.

- (s) Governing the conduct, management and equipment of any premises upon which liquor may be sold or consumed under this Act;

In general.

- (t) Generally for the better carrying out of the provisions of the Act.

General.

- 11A.** Wherever it is provided in this Act that any act, matter or thing may be done or permitted or authorized by the regulations, or may be done in accordance with the regulations, or as provided by the regulations, the Board, subject to the restrictions set out in subsection 1 of section 11 shall have the power to make regulations respecting such act, matter or thing.

Powers of board.

- 12.** The Board may with the approval of the Lieutenant-Governor in Council,—

- (a) purchase any land or building and equip any building required for the purposes of this Act and where deemed necessary purchase or acquire the whole or any portion of the output or product of any manufacturer, distiller, brewery, plant or appliance in which liquor is manufactured or produced. *Purchase of property and output.*
- (b) appoint such officers, inspectors, vendors, servants and agents as the Board may deem necessary in the administration of this Act and by regulation prescribe the terms of their employment, fix their salaries or remuneration and define their respective duties and powers. *Appointment of officers and staff.*

OWNERSHIP OF PROPERTY ACQUIRED BY THE BOARD, FINANCING AND ACCOUNTING BY THE BOARD AND APPLICATION OF PROFITS.

13. All property, whether real or personal, all moneys acquired, administered, possessed or received by the Board and all profits earned in the administration of this Act, shall be the property of the Crown in right of the Province of Ontario, and all expenses, debts and liabilities incurred by the Board in connection with the administration of this Act shall be paid by the Board from the moneys received by the Board under such administration. *Payment of expenses.*

14.—(1) The Board shall from time to time make reports to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require, and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of October in the year in which the report is made, which shall contain,— *Reports to Lieutenant-Governor in Council by Board.*

- (a) a statement of the nature and amount of the business transacted by each vendor under this Act during the year;
- (b) a statement of its assets and liabilities including a profit and loss account, and such other accounts and matters as may be necessary to show the results of operations of the Board for the year;
- (c) general information and remarks as to the working of the law within the Province;
- (d) any other information requested by the Minister.

Report to be presented to Legislature

(2) Every annual report made under this section shall be forthwith laid before the Legislature if the Legislature is then in session, and if not then in session shall be laid before the Legislature within fifteen days after the opening of the session following the close of the fiscal year.

Audit of books of Board.

(3) The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and to such other person as the Lieutenant-Governor in Council may authorize in that behalf.

Transfer of property from present Permit.

15.—(1) The Lieutenant-Governor in Council may make all arrangements necessary or requisite to enable the Board to acquire, take over and possess for the purposes of this Act all or any part of the liquor, property or assets held, possessed, purchased or agreed to be purchased or acquired by the Board of License Commissioners under or in pursuance of *The Ontario Temperance Act* or amendments thereto and to transfer such liquor, property or assets or any part thereof to the Board for the purposes of this Act on terms and conditions of payment and accounting therefor as the Lieutenant-Governor in Council deems advisable.

Transfer of property held under Temperance Act.

(2) The Provincial Treasurer may set aside out of the Consolidated Revenue Fund of the Province, such sums as he shall deem necessary and requisite for the purchase of liquor by the Board, and for other necessary purposes in the administration of this Act.

Payment of salaries, expenses of stores, etc.

16. The Board shall make all payments necessary for its administration of this Act, including the payment of the salaries of the members of the Board and its staff and all expenditures incurred in establishing and maintaining Government stores and in its administration of this Act.

Payment of sale and license moneys to Board.

17.—(1) All moneys received from the sale of liquor at Government stores or from license fees, or otherwise arising in the administration of this Act other than from permit fees, shall be paid to the Board.

Permit fees to go into Treasury.

(2) All moneys received in fees for permits for the purchase of liquor shall be paid to the Provincial Treasurer to be accounted for as part of the general revenue of the Province and shall not be included in any statement of profit and loss of the Board.

Accounts payable by Board.

18. All accounts payable by the Board shall be audited by such person as may be designated by the Board and may be audited by the Provincial Auditor; and all cheques for payment of accounts shall be signed by the Chief Controller

or by such other officer as may be designated by the Board for that purpose.

19. The accounts of the Board shall be made up to the ^{Fiscal} year. 31st day of October in each year, and at such other times as may be determined by the Lieutenant-Governor in Council, and in every case the Board shall prepare a balance sheet and ^{Balance} statement of profit and loss and submit the same to the ^{sheet, etc.} Provincial Auditor for his certification.

20. The accounts of the Board shall be audited annually by ^{Annual} audit. the Provincial Auditor or by such other person, firm or corporation as the Lieutenant-Governor in Council may appoint, and the report of such auditor containing such particulars as the Lieutenant-Governor in Council may require shall be made to the Lieutenant-Governor in Council on or before the 1st day of January next following the close of the fiscal year for which the report is made.

21. From the profits received under this Act as certified by ^{Reserve} fund, etc. the auditor there shall be taken such sums as may be determined by the Lieutenant-Governor in Council for the creation of a reserve fund to meet any loss that may be incurred by the Government in connection with the administration of this Act.

22. The receipts of the Board from all sources shall be ^{Audit of} receipts. checked and audited at least once in every calendar month by the Provincial Auditor or an officer of his Department designated by him for that purpose.

23. The net profits of the Board shall be paid into the ^{Net profits} ^{to be paid} Consolidated Revenue Fund at such times and in such manner ^{into Consolidated} as the Lieutenant-Governor in Council may direct. ^{Revenue.}

24. Every vendor and every official authorized by the ^{Administration-} Board to issue permits under this Act may administer any ^{of oaths.} oath and take and receive any evidence or declaration required under this Act or the regulations.

25.—(1) Except with the consent of the Minister no ^{Actions} ^{against} action or proceeding shall be taken against any member or ^{members of} members or against any official or vendor of the Board for ^{Board, etc.} anything done or omitted to be done in or arising out of the performance of his or their duties under this Act.

(2) Every action, order or decision of the Board as to any ^{Order of} matter or thing in respect of which any power, authority or ^{Board not} discretion is conferred on the Board under this Act shall be ^{subject to} ^{review.} final and shall not be questioned, reviewed or restrained by

injunction, prohibition or mandamus or other process or proceeding in any court or be removed by *certiorari* or otherwise in any court.

*Board may
be sued and
sued in its
name.*

26. The Board may with the consent of the Attorney-General be sued and may institute or defend proceedings in any court of law or otherwise in the name of "The Liquor Control Board of Ontario" as fully and effectually to all intents and purposes as though such Board were incorporated under such name or title and no such proceedings shall be taken against or in the names of the members of the Board, and no such proceedings shall abate by reason of any change in the membership of the Board by death, resignation or otherwise, but such proceedings may be continued as though such changes had not been made.

*Orders for
purchase of
liquor.*

27.—(1) Every order for the purchase of liquor shall be authorized by the Chief Commissioner or Deputy Chief Commissioner and no order shall be valid or binding unless so authorized.

*Filing
duplicate.*

(2) A duplicate of every such order shall be kept on file in the office of the Board.

*Cancelling
orders.*

(3) All cancellations of such orders made by the Board shall be executed in the same manner and a duplicate thereof kept as aforesaid.

*Security for
observance
of Act.*

28. Subject to the regulations the Board may require the holder of any license for the sale of liquor to give such security and to comply with such other provisions as the Board may deem necessary or desirable in order to secure the due observance of the provisions of this Act.

*Board not
compellable
to issue per-
mits, etc.*

29. Notwithstanding anything in this Act contained the Board shall not be compellable to issue any permit or license under this Act and may refuse any such permit or license in its discretion and shall not be obliged to give any reason or explanation for such refusal.

PART II.

ESTABLISHMENT OF GOVERNMENT STORES AND SALES UNDER PERMITS.

*Government
stores.*

30. Stores to be known as Government stores may be established by the Board at such places in the Province as are considered advisable for the sale of liquor in accordance with the provisions of this Act and the regulations made thereunder, and the Board may from time to time fix the prices at which

the various classes, varieties and brands of liquor shall be sold and such prices shall be the same at all such Government stores.

31. The sale of liquor at each Government store shall be ^{Vendors.} conducted by a person appointed under this Act to be known as a "vendor" who shall, under the directions of the Board, be responsible for the carrying out of this Act and the regulations made thereunder, so far as they relate to the conduct of such store and the sale of liquor thereat.

32.—(1) A vendor may sell to any person who is the holder of a subsisting permit, such liquor as that person is entitled to purchase under such permit in conformity with the provisions of this Act and the regulations made thereunder. ^{Sale and delivery of liquor to holder of permit and license.}

(2) Except as provided by the regulations no liquor sold under this section shall be delivered until,— ^{Conditions upon which sale may be made.}

- (a) the purchaser has given a written order to the vendor, dated and signed by such purchaser and stating the number of his permit, and the kind and quantity of the liquor ordered; and
- (b) the purchaser has produced his permit for inspection and endorsement by the vendor; and
- (c) the purchaser has paid for the liquor in cash; and
- (d) the vendor has endorsed or caused to be endorsed on the permit the kind and quantity of the liquor sold and the date of the sale.

33. No liquor shall be sold to any purchaser except in a package sealed with the official seal as prescribed by this Act and such package shall not be opened on the premises of a Government store. ^{Sealing of package, etc.}

34. No officer, clerk or servant of the Board employed in the Government store shall allow any liquor to be consumed on the premises of a Government store nor shall any person consume any liquor on such premises. ^{Consumption in Government store.}

35. No sale or delivery of liquor shall be made on or from the premises of any Government store nor shall any store be kept open for the sale of liquor,— ^{Days and hours for sale.}

(a) on any holiday;

(b) on any day on which polling takes place at any Dominion or provincial election held in the electoral district in which the store is situated;

(c)

- (c) on any day on which polling takes place at any municipal election held in the municipality in which the store is situated or upon any question submitted to the electors of the municipality under any Act of Ontario;
- (d) during such other periods and on such other days as the Board may direct.

Delivery of liquor to and from Government store.

36. It shall be lawful to carry or convey liquor to any Government store and to and from any warehouse or depot established by the Board for the purpose of this Act, and when permitted so to do by this Act and the regulations made thereunder and in accordance herewith, it shall be lawful for any common carrier, or other person, to carry or convey liquor sold by a vendor from a Government store, or beer, when lawfully sold by the Board or a vendor, from the premises wherein such beer was manufactured, or from premises where the beer may be lawfully kept and sold, to any place to which the same may be lawfully delivered under this Act and the regulations made thereunder, provided that no such common carrier or any other person shall open, or break, or allow to be opened or broken, any package or vessel containing liquor, or drink, or use, or allow to be drunk or used, any liquor therefrom while being so carried or conveyed.

Classes of permits.

37.—(1) The Board may issue two classes of permits under this Act for the purchase of liquor,—

- (a) Individual permits;
- (b) Special permits.

Application and issue of permits.

(2) Upon application in the prescribed form being made to the Board or to any official authorized by the Board to issue permits accompanied by payment of the prescribed fee, and upon the Board or such official being satisfied that the applicant is entitled to a permit for the purchase of liquor under this Act the Board or such official may issue to the applicant a permit of the class applied for, as follows,—

Individual permit for resident.

(a) An “individual permit” in the prescribed form may be granted to an individual of the full age of twenty-one years, who has resided in the province for the period of at least one month immediately preceding the date of his making the application, and who is not disqualified under this Act, entitling the applicant to purchase liquor in accordance with the terms and provisions of the permit, and the provisions of this Act, and the regulations made thereunder;

(b)

- (b) An "individual permit" in the prescribed form may be granted to an individual of the full age of twenty-one years, who is temporarily resident or sojourning in the province and who is not disqualified under this Act, entitling the applicant during a period not exceeding one month to purchase liquor in accordance with the terms and provisions of the permit, and the provisions of this Act and the regulations made thereunder: *Individual permit for non-resident.*
- (c) A "special permit" in the prescribed form may be granted to a druggist, physician, dentist or veterinary, or to a person engaged within the province in mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling the applicant to purchase liquor for the purpose named in such "special permit" and in accordance with the terms and provisions of such "special permit" and in accordance with the provisions of this Act, and the regulations made thereunder; *Special permit for physicians, etc.*
- (d) A "special permit" in the prescribed form may be granted to a priest, minister of the gospel, or any other minister of any religious faith authorized to solemnize marriage in Ontario, entitling the applicant to purchase wine for sacramental purposes in accordance with the terms and provisions of such "special permit"; *Special permit for ministers.*
- (e) A "special permit" in the prescribed form may be granted when authorized by the regulations, entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the terms and provisions of such permit, and of this Act and the regulations made thereunder. *Special permit's under regulations.*

(3) No one, who has been convicted of keeping, frequenting or being an inmate of a disorderly house, shall be entitled to a permit until after the expiration of, at least, one year from the date of such conviction. *Prohibition as to disorderly houses.*

(4) Notwithstanding any other provisions of this Act, the Board may refuse or direct any official authorized to issue permits to refuse to issue a permit to any person and no official so directed shall issue any such permit. *Discretion as to permits.*

38. Unless sooner cancelled, every permit shall expire at midnight on the 31st day of October of the year in respect to which the permit is issued, except in the case of,— *Expiry of permits.*

(a)

(a) special permits issued under clause (e) of subsection 2 of section 37, which shall expire in accordance with the terms contained therein;

(b) a permit which, according to its terms, sooner expires.

*Issue of
permit.*

39. Every permit shall be issued in the name of the applicant therefor and no permit shall be transferable nor shall the holder of any permit allow any other person to use the permit.

*Restrictions
as to
number.*

40. No permit shall be delivered to the applicant, until he has, in the presence of some person duly authorized by the Board, or in the presence of the official to whom the application is made, written his signature thereon in the manner prescribed by the regulations for the purpose of his future identification as the holder thereof, and the signature has been attested by a member of the Board, or other official authorized to issue the same.

*Restrictions
as to
issue.*

41. No person who is the holder of an unexpired individual permit under this Act, shall make application for, or be entitled to hold any other individual permit whether of the same or another class; provided, however, that the holder of a subsisting and unexpired individual permit may, without any claim to, or for rebate, return such permit to the Board or official authorized to issue permits and then be entitled to make application for a permit under this Act, and any person whose permit has been lost or destroyed may apply to the Board or other official by whom the permit was issued, and upon proof of the loss or destruction of the permit and subject to the conditions contained in the regulations may obtain a duplicate permit in lieu of the permit so lost or destroyed for which duplicate permit a fee of fifty cents shall be paid.

*Place where
beer may
be kept by
holder of
permit.*

42.—(1) Liquor purchased by any person pursuant to a permit held by him may be kept, had, given and consumed, only in the residence in which he resides, except as otherwise provided by this Act, and the regulations made thereunder.

*Disqualification
on con-
viction.*

(2) If the occupant of a residence or of any part thereof is convicted of keeping a disorderly house or of an offence against any of the provisions of this Act committed in or in respect of such residence or in respect of any liquor kept therein or removed therefrom, the same shall cease to be a residence within the meaning of this Act for a period of one year after the date of such conviction, and shall for such period be deemed to be a public place for the purposes of this Act; provided that the Board may, when satisfied of a bona fide

change of ownership or occupation of such premises, or when it is desirable to do so, declare such premises to be a residence and may grant a certificate to such effect to the owner or occupant of such premises and such premises shall from the date of the granting of such certificate signed by the chief commissioner or deputy chief commissioner of the Board, be a residence and cease to be a public place within the meaning of this Act.

43.—(1) Notwithstanding anything in this Act contained, ^{Cancellation of permits by Board.} the Board may for any cause which it deems sufficient with or without any hearing cancel or suspend any permit granted for the purchase of liquor under this Act.

(2) The justice before whom any holder of a permit issued ^{Suspension of permit by justice.} under this Act is convicted of a violation of any provision of this Act, or of the regulations made thereunder, may suspend the permit for a period not exceeding one month, and thereupon the justice shall forthwith notify the holder and the Board of the suspension of the permit.

(3) Upon receipt of notice of the suspension of his permit ^{Delivery up of permit or cancellation.} the holder of the permit shall forthwith deliver up the permit to the Board, and if the holder of a permit, which has been suspended, fails or neglects to deliver the same to the Board, in accordance with the regulations made hereunder, the Board may forthwith cancel the same.

(4) Where the permit has been suspended the Board may ^{Return of permit on termination of suspension.} return the permit to the holder at the expiration or determination of the period of suspension.

(5) Where the permit has been cancelled the Board shall ^{Notify all vendors, etc., of cancellation.} notify all vendors and such other persons as may be provided by the regulations made under this Act, of the cancellation of the permit, and no permit shall be issued to the person whose permit is cancelled under this Act within the period of one year from the date of such cancellation; provided, however, that the Board may direct the issue of a permit within said period of one year, if the person whose permit has been so cancelled has not been convicted of any offence under this Act.

(6) Where a permit is produced at a Government store ^{Use of permit of other person or a suspended or cancelled permit.} by a person who is not entitled under the provisions of this Act or of the regulations to hold such permit or produce the same at the store, or where any permit is suspended or cancelled, or a permit, a duplicate of which has been issued, is produced at a Government store, the vendor shall retain such permit in his custody and shall forthwith notify the

Board of the fact of its retention, and the Board, unless such permit has been cancelled, may forthwith cancel the same; provided nevertheless that the proper holder of any lost subsisting permit which may be improperly produced as aforesaid may, upon satisfactory proof to the Board that he was not privy to such improper use, obtain a return of such permit.

Person to whom permit shall not be issued.

44. No permit shall be issued under this Act to any person to whom the sale of intoxicants is prohibited under the provision of any Act of the Dominion of Canada.

Brewers' Licenses.

45.—(1) The Board may with the approval of the Minister, and subject to the provisions of this Act, and to the regulations made thereunder grant a license to any brewer duly authorized by the Dominion of Canada authorizing such brewer or any lawfully appointed agent of such brewer,—

- (a) to keep for sale and sell beer to the Board;
- (b) to deliver beer on the order of the Board, or of a vendor to any person who is a holder of a subsisting permit to purchase beer under this Act; but
- (c) no brewer or brewer's agent shall keep for sale, sell or deliver beer except as provided in this Act and the regulations made thereunder.

Returns.

(2) Every brewer shall make to the Board in every month a return in the form which the Board shall provide showing the gross amount of the sales of beer made by such brewer and his agents; provided that the Board may at any time by notice in writing to a brewer or brewer's agent require such a return of sales by a brewer or any brewer's agent, as the case may be, for any period mentioned in such notice, and such return shall be made by such brewer or brewer's agent within three days of the receipt by such brewer or brewer's agent of such notice.

Penalty.

46. Any brewer who fails to make such returns to the Board within twenty days following the expiration of any calendar month for which it should be made shall be guilty of an offence under this Act and shall be liable to a fine of \$20 per day for each day it is delayed, counting from the expiration of such twenty days.

Default in forwarding.

47. Any brewer or brewer's agent who makes default in forwarding a return required by the proviso of section 45, within the time required by a notice given pursuant to the said proviso shall be guilty of an offence under this Act and shall be liable to a fine of \$20 per day for each day during which such default continues.

48.—(1) The Board may also examine the books of any brewer or brewer's agent, making or required to make any such return, or may otherwise verify the accuracy of any such return.

(2) Any brewer or brewer's agent who refuses to allow such examination or who fails to make returns in accordance with the regulations of the Board shall be guilty of an offence and liable to a fine of \$100 for each offence.

49. No brewery shall be constructed and equipped so as to facilitate any breach of this Act or the regulations made thereunder.

50. Every brewer shall from time to time as he may be required by the Board, furnish samples of his beer to be sold to within the Province and the Board shall be entitled and is hereby authorized to require of any brewer samples of any beer then being sold within the Province, or in stock by the brewer, or which may be in the course of manufacture for sale within the Province and the said brewer shall forthwith furnish the same to the Board, and every brewer failing to do so as herein required by the Board shall be guilty of an offence and liable to a penalty not exceeding \$100.

51. The Board may, with the approval of the Minister, and subject to the provisions of this Act and to the regulations made thereunder grant a license to a distiller authorizing such distiller to keep for sale and sell liquor to the Board or as the Board may direct.

(a) The Board may with the approval of the Lieutenant-Governor in Council make regulations, providing for the returns to be made to the Board by a distiller and governing the manner in which liquor may be sold, kept for sale or delivered by such distiller.

(b) No distiller shall keep for sale, sell or deliver liquor except as provided by this Act and the regulations made thereunder.

52. The license so granted to a brewer or brewer's agent or to a distiller, unless sooner determined, shall expire at midnight on the thirty-first day of October in the year in respect to which the license is granted.

53. The Board may for any cause which it deems sufficient cancel or suspend any license granted to a brewer or brewer's agent or to a distiller, in the manner prescribed by the regulations, and all right of the brewer or brewer's agent or distiller to sell or deliver liquor or beer thereunder shall be suspended or determined as the case may be.

LIQUOR KEPT AND SOLD UNDER SPECIAL PERMITS

*Possession
of alcohol by
druggists.*

54. Any druggist may have in his possession alcohol purchased by him from a vendor under a special permit pursuant to this Act such alcohol to be used solely in connection with the business of the druggist in compounding medicines or as a solvent or preservant.

*Sale and
keeping for
sale by
druggist.*

55. Except as authorized or permitted by this Act or by the regulations made thereunder and in accordance therewith, nothing in this Act, or in any Act, shall be construed as authorizing or permitting any druggist to have or keep for sale or by himself or his clerk, servant or agent, to sell any liquor.

Physicians

56.—(1) Any physician who is lawfully and regularly engaged in the practice of his profession in the Province of Ontario and who deems liquor necessary for the health of a patient of his whom he has seen or visited professionally may give to such patient a prescription therefor in the prescribed form, signed by the physician and addressed to a vendor, or the physician may administer the liquor to the patient for which purpose the physician shall administer only such liquor as was purchased by him under special permit pursuant to this Act, and he may give to any such patient a prescription for liquor not exceeding six ounces, and supply or sell subject to the regulations, the said liquor to his patient, and may charge for the liquor so administered or sold, but no prescription shall be given nor shall liquor be administered or sold by a physician except to a *bona fide* patient in cases of actual need, and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed, administered or sold is necessary.

*Giving
prescriptions
or adminis-
tering
liquor
illegally.*

(2) Every physician who gives any prescription or administers or sells any liquor in evasion or violation of this Act, or who gives to or writes for any person a prescription for or including liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor to be used as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offence against this Act.

*Sale of
liquor by
vendors on
prescription.*

57. A vendor may upon the prescription of a physician sell and supply for strictly medicinal purposes,—

(a) Beer in quantities not exceeding one dozen bottles, containing not more than three half-pints each or a quantity equivalent thereto at any one time;

(b)

- (b) Wines and distilled liquor not exceeding one quart at any one time.
- (c) Alcohol for rubbing or other necessary purposes not exceeding one pint at any one time.
- (d) Every prescription issued under the authority of section 56 shall contain a certificate that the quantity of liquor therein mentioned is the minimum quantity necessary for the patient for whom it is ordered.
- (e) Any violation of this section shall be an offence against this Act.
- (f) No more than one sale and one delivery shall be made on any one prescription.

58. Any dentist who deems it necessary that any patient Dentists. being then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed, and for that purpose the dentist shall administer liquor purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered, but no liquor shall be administered by a dentist except to a *bona fide* patient in case of actual need, and every dentist who administers liquor in evasion or violation of this Act, shall be guilty of an offence against this Act.

59. Any veterinary who deems it necessary may in the Veterinary Surgeons. course of his practice administer or cause to be administered liquor to any dumb animal, and for that purpose the veterinary shall administer or cause to be administered liquor purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered or caused to be administered, but no veterinary shall himself consume nor shall he give to or permit any person to consume as a beverage any liquor so purchased, and every veterinary who evades or violates or suffers or permits any evasion of this section shall be guilty of an offence against this Act.

60. Any person in charge of an institution regularly conducted as a hospital or sanitarium for the care of persons in ill-health, or as a home devoted exclusively to the care of aged people, may, if he holds a special permit, under this Act, for that purpose, administer liquor purchased by him under his special permit to any patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for the emergency medicinal purposes, and may charge for the liquor so administered but no liquor shall be

administered

administered by any person under this section except to bona fide patients or inmates of the institution of which he is in charge and in cases of actual need, and every person in charge of an institution or employed therein, who administers liquor in evasion or violation of this Act, shall be guilty of an offence against this Act.

APPLICATION OF ACT

*Dominion
Licenses.*

61.—(1) Nothing in this Act shall prevent any brewer, distiller or other person duly licensed under the provisions of any statute of the Dominion of Canada for the manufacture of liquor, from having or keeping liquor in a place and in the manner authorized by or under any such statute.

*Sales to
Board.*

(2) Nothing in this Act shall prevent,—

- (a) the sale of liquor by any person to the Board;
- (b) the purchase, importation and sale of liquor by the Board for the purposes of and in accordance with this Act.

*Patent or
proprietary
medicines.*

62. Except as otherwise expressly provided nothing in this Act shall prevent the sale by a druggist or a merchant, or company dealing in drugs and medicines, or a merchant or company dealing in patent or proprietary medicines, of any such medicine in the original and unbroken package, if such medicine contains sufficient medication to prevent the same being used as an alcoholic beverage.

63.—(1) Except as otherwise expressly provided, nothing in this Act shall prevent the sale

*Certain tinc-
tures, medi-
cines, per-
fumes, etc.*

(a) by a druggist or by the manufacturer of

- (i) any tincture, fluid extract, essence or medicated spirit containing alcohol prepared according to a formula of the British Pharmacopœia or other recognized standard work on pharmacy, or
- (ii) medicine or other similar officinal or pharmaceutical compound or preparation, or
- (iii) a perfume, or
- (iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor

(b).

- (b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this section hereinbefore mentioned and are so made or put up by a druggist or manufacturer,

by reason only that the same contain alcohol, but this shall only apply to any such compound, mixture and preparation as contains sufficient medication to prevent its use as an alcoholic beverage.

(2) If in any prosecution for selling any of the products mentioned in this section, the justice hearing the complaint is of opinion that an unreasonable quantity of any such product, having regard to the purposes for which the same was legitimately manufactured, was sold or otherwise disposed of to any person either at one time or at intervals and proof is also given that such product was used for beverage purposes, the person selling or otherwise disposing of the same may be convicted of an offence under subsection 1 of section 72 of this Act.

64.—(1) Notwithstanding anything contained in section 63 of this Act, no essence, tincture, compound or preparation commonly known or described as a flavouring extract or essence containing alcohol shall be sold except in bottles containing not more than two and one-half ounces, and a record of the sale shall be kept by the manufacturer, merchant, druggist, or other person who sells the same, in a book provided for that purpose, which shall show the name and address of each person to whom any such article is sold, the date of sale and the quantity sold, and this record shall be open to the inspection of any inspector or any officer authorized by the Board to make such inspection and a true copy thereof under oath shall be supplied to the Board forthwith on demand by the proprietor of the business upon whose premises any such sale was made. Provided, however, that nothing in this section contained shall prevent the sale of any such essence, tincture or flavouring extract in a larger quantity than two and one-half ounces to a druggist, or a manufacturer of confectionery or other similar commodity or to a person in any trade or business in which any such article is commonly used for legitimate purposes or to any public institution or to a wholesale dealer for re-sale to any of the persons mentioned in this proviso, but all such sales shall be recorded in a book as above mentioned by the person selling the same and in all other respects the provisions of this subsection shall apply thereto.

- (a) This subsection shall not apply to any preparation

containing

containing less than one per cent. by volume at 60 degrees Fahrenheit of absolute alcohol.

Pedlars and
transient
traders not
to sell.

(2) No pedlar or transient trader in Ontario shall sell or dispose of any tincture, essence or extract mentioned in the preceding subsection.

Extract of
ginger.

(3) Unless upon the order of a physician, no druggist shall sell or dispose of any tincture, essence or extract of ginger except to a person having a permanent place of residence in the city, town, village or district in which such sale takes place and then only upon the affidavit made by the person requiring the same in the form hereto, stating that it is not required for beverage purposes. Upon receiving such affidavit and being satisfied that such tincture, essence or extract is required for legitimate purposes, the druggist may supply a quantity not exceeding two ounces and all the provisions of subsection 1 hereof shall apply to any such sale.

Exception
as to
ginger
products.

(4) The provisions of the next preceding subsection shall not affect the sale or purchase of any such tincture, essence or extract of ginger by or between wholesale dealers, druggists, manufacturers of confectionery, persons carrying on any trade or business where the same is required for legitimate purposes or where it is needed in a public institution.

Not to be
sold by other
than
druggists.

(5) Except as in this section provided no person other than a druggist shall sell or dispose of any tincture, essence or extract of ginger.

Penalty.

(6) Any violation of this section shall be an offence against this Act and the person committing the offence shall upon conviction incur the penalties provided by subsection 1 of section 104 hereof.

Complaint
before
court.

65.—(1) Where the justice before whom a complaint is heard finds that any patent or proprietary medicine mentioned or referred to in section 62 or any other medicine, preparation or mixture mentioned or referred to in section 63 does not contain sufficient medication to prevent the same being used as an alcoholic beverage, the offender shall incur the penalties imposed as in the case of sale of liquor contrary to subsection 1 of section 72 of this Act.

Charging of
offence.

(2) It shall not be necessary in the information, summons, warrant, distress warrant, commitment or other process or proceeding, except the finding or judgment, to set out that such patent or other medicine, preparation or mixture does not contain sufficient medication to prevent the same being used as an alcoholic beverage, but it shall be sufficient if the

complaint and all other necessary statements of the offence allege or refer to the sale of liquor in contravention of this Act.

(3) The Department of Health, on complaint being made to the said Department that any patent or proprietary medicine or other medicine, preparation or mixture is believed not to contain sufficient medication to prevent its use as an alcoholic beverage, may cause an analysis of such patent or proprietary medicine or other medicine, preparation or mixture to be made by some competent person and if it be proved to the satisfaction of the said Department that such patent or proprietary medicine or other medicine, preparation or mixture contains more than one per cent. by volume at 60 degrees Fahrenheit of absolute alcohol and that the medication found therein is not sufficient to prevent its use as an alcoholic beverage, the said department shall certify accordingly, and such certificate signed or purporting to be signed by the Minister or Deputy Minister of Health shall be conclusive evidence of such insufficiency of medication in all subsequent proceedings until the manufacturer of such patent or proprietary medicine or other medicine, preparation or mixture demonstrates to the satisfaction of the said Department that sufficient medication to prevent its use as an alcoholic beverage is contained in such patent or proprietary medicine or other medicine, preparation or mixture, and the said Department so certifies.

(4) If the said Department should find and certify by certificate signed or purported to be signed as provided by the next preceding subsection that the said patent or proprietary medicine or other medicine, preparation or mixture contains any medication which owing to the alcoholic properties of such patent or proprietary medicine or other medicine, preparation or mixture would be liable to be taken in quantities injurious to health, the sale of such patent or proprietary medicine or other medicine, preparation or mixture, after a copy of such certificate has been consecutively published twice in the *Ontario Gazette*, shall be an offence against this Act and any person on conviction therefor shall incur the penalties provided by subsection 1 of section 104 of this Act, unless the same has been so sold upon the written order of a medical practitioner.

(5) On any enquiry under this section any interested party may be heard either personally or by counsel or solicitor by the Department before any certificate is issued.

66 —(1) A druggist or other person who keeps patent or proprietary medicines for sale shall, upon request made by the inspector or other person authorized by the Board, permit such

Analysis
of patent or
proprietary
medicines.

Sale after
report of
department
against pre-
paration
analysis.

Right to be
heard by
department.

Analysis
of patent
medicines
kept by
druggists.

such inspector or other person to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale.

Penalty.

(2) Any person who refuses to comply with such a request shall incur a penalty of not less than \$10 nor more than \$40.

Brewers' marks to show alcoholic content.

67.—(1) Every brewer shall on all beer or light beer manufactured and bottled by him for sale or consumption within the Province of Ontario, place a crown cork stopper or other stopper showing thereon by embossing on the outside thereof or by lithographing on the outside and inside thereof the name of the brewer and such other information as to the contents or otherwise as the Board may from time to time require and shall also cause the same information to be branded in or labelled on all casks, barrels, kegs or other vessels containing such beer or light beer so manufactured as the Board may determine.

Penalty.

(2) Any brewer violating the provisions of this section shall be guilty of an offence and shall for such offence incur a penalty of \$2,000.

PART III.

CANADA TEMPERANCE ACT AND LOCAL OPTION.

Stores not to be established where C.T.A. in force.

68. Nothing contained in this Act shall be construed as interfering with the operation of *The Canada Temperance Act* applicable to any part of Ontario, and no Government store shall be established in a municipality in which *The Canada Temperance Act* has been brought into force and is still in force.

LOCAL OPTION.

Local option by laws.

69.—(1) Except as provided by the regulations, no store shall be established by the Board for the sale of liquor in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act*, a by-law passed under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail unless and until a vote has been taken to establish government stores in the manner hereinafter provided.

Submission of question.

(2) The council of any municipality in which such by-law was in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, one of the three following questions:

(a)

- (a) "Are you in favour of the establishment of Government stores for the sale of liquor under *The Liquor Control Act?*"

or

- (b) "Are you in favour of the establishment of Government stores for the sale of beer and wine, under *The Liquor Control Act?*"

or

- (c) "Are you in favour of the establishment of Government stores for the sale of beer under *The Liquor Control Act?*"

and if a petition in writing signed by at least twenty-five percentum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly requesting the council to submit any one of the said questions is filed with the clerk of the municipality and with the Board, on or before November 1st of the year in which the vote is taken, it shall be the duty of the council to submit such question and no other, to a vote of the electors and if three-fifths of the electors voting upon the said question vote in the affirmative thereon, it shall be lawful to establish Government stores in the municipality for the sale of liquor; or for the sale of beer and wine or for the sale of beer only, as the case may be, until another vote is taken as hereinafter provided.

- (i) Not more than one of such questions shall be submitted to the electors of any municipality at one time; and

- (ii) Where petitions are presented praying for the submission of different questions, the question to be submitted shall be that asked for in the first petition filed.

- (3) Where a Government store or stores has or have been established in any city, town, village or township, the council may as provided in subsection 2 and subject to the same provisions and on petition as in the case provided for by the said subsection, shall submit to the electors in the same manner, whichever of the following questions may be applicable in the existing circumstances.

- (a) "Are you in favour of the continuance of Government stores for the sale of liquor, under *The Liquor Control Act?*"

or

(b)

- (b) "Are you in favour of the continuance of Government stores for the sale of beer and wine, under *The Liquor Control Act*?"

or

- (c) "Are you in favour of the continuance of Government stores for the sale of beer, under *The Liquor Control Act*?"

and if three-fifths of the electors voting thereon vote in the negative, from and after the first day of May in the next following year any Government store established in the municipality shall be closed and it shall be unlawful thereafter until another vote is taken as hereinafter provided to sell liquor in such municipality.

*Appointment
of
managers
for vote.*

- (4) At least two weeks before the taking of a vote upon any question under this section, the electors interested in obtaining an affirmative answer and negative answer respectively to the question may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager the first person named on either side shall be manager.

*Date of
polling.*

- (5) The day fixed for taking the vote on any question shall be the day upon which, under *The Municipal Act* or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality, unless the Board fix some other day, and notify the clerk of the municipality to that effect, on or before November 1st of the year in which the vote is taken.

*Who may
vote.*

- (6) The persons qualified to vote upon such question shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question.

*Application
of general
law.*

- (7) Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* respecting,—

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;

(d)

- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks;

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions shall apply to the taking of a vote on the question submitted under this section.

(8) The returning officer upon the taking of a vote upon ^{Returning Officer.} such a question shall be the clerk of the municipality, or in case of his inability to act, or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

(9) The returning officer shall make his return to the ^{Return to Clerk of the Crown in Chancery.} Clerk of the Crown in Chancery showing the number of votes polled for the affirmative and negative on the question submitted, and upon the receipt of such return, the Clerk of the Crown in Chancery shall make his return to the Lieutenant-Governor in Council and give notice thereof in the *Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question.

(10) The Clerk of the Crown in Chancery and the Chief ^{Directions as to taking of vote.} Election Officer, subject to the approval of the Lieutenant-Governor in Council, shall give such directions and make such regulations and prepare such forms as may appear to them to be necessary in carrying out the provisions of this section and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* and *The Voters' Lists Act* when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances which may arise and which are not provided for or contemplated by this section.

(11) The forms to be used at the taking of the vote shall ^{Forms.} be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to comply with the provisions of this section or with any direction or regulation given or made thereunder.

(12) The fees and expenses to be allowed to returning ^{Fees and expenses.} officers and other officers and servants for services performed under this section, and the expenses incurred in carrying out the provisions of this section shall be fixed by the Lieutenant-Governor in Council and shall be taxed and allowed by the

chairman of the election board and be paid by the treasurer of the municipality to the persons entitled thereto.

revision
of lists,

(13) Instead of proceeding as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly, the chairman of the election board may fix a time and place for hearing complaints as to the insertion or omission of any names on the voters' lists and generally may take all the proceedings which may be taken by the Board in case of an election to the Assembly.

Chairman's
fees.

(14) The chairman shall be entitled to a fee of \$10 for every day upon which a sitting is actually held and his actual and necessary travelling expenses.

Clerk of
revision.

(15) The clerk of the municipality shall perform the duties imposed upon the clerk of the revising officer by Part III of *The Voters' Lists Act*.

Polling
lists.

(16) The polling lists for use at the taking of a vote on any such question shall not be printed, nor shall it be necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively.

Submission
of questions
from time
to time.

(17) After a vote has been taken under the preceding provisions of this section the council may subject to the said provisions and upon the like petition, shall from time to time, submit any of the said questions which may be applicable to the circumstances, but no such question shall be so submitted until after the expiration of three years from the date of the last polling in the municipality under this section.

Form of
ballot.

(18) The form of ballot to be used in taking a vote under this section shall be one of the following, according to the circumstances:

1	YES	No
---	-----	----

Voting on
question to
establish
Government
stores for
the sale of
liquor.

Are you in favour of the establishment of Government stores for the sale of Liquor under *The Liquor Control Act*?

2	YES	No
---	-----	----

Voting on
question to
establish
Government
stores for
the sale of
beer and wine.

Are you in favour of the establishment of Government stores for the sale of Beer and Wine under *The Liquor Control Act*?

3

YES NO

Voting on
question to
establish
Government
stores for
the sale of
beer only.

Are you in favour of the establishment
of Government stores for the sale of
Beer under *The Liquor Control Act*?

4

YES NO

Voting on
question to
continue
Government
stores for
the sale of
liquor.

Are you in favour of the continuance
of Government stores for the sale of
Liquor under *The Liquor Control Act*?

5

YES NO

Voting on
question to
continue
Government
stores for the
sale of beer
and wine.

Are you in favour of the continuance
of Government stores for the sale of
Beer and Wine under *The Liquor Con-
trol Act*?

6

YES NO

Voting on
question to
continue
Government
stores for
the sale of
beer only.

Are you in favour of the continuance
of Government stores for the sale of
Beer under *The Liquor Control Act*?

PART IV.

SALE OF LIGHT BEER.

70.—(1) The Board may with the approval of the Minister and subject to the regulations hereinafter provided,—

- (a) grant a permit to any person authorizing such person <sup>Sale of light
beer.</sup> to keep for sale and sell light beer by himself or by his clerk, servant or agent in the premises designated in such permit, and if the person to whom such permit <sup>Permits for
sale.</sup> is granted sells or keeps for sale any liquor in contravention of this Act or of the regulations made thereunder in the premises designated in such permit by himself or by his clerk, servant or agent acting within the scope of his employment, he shall be personally liable to incur the penalties provided for by subsection 1 of section 103 and for a second or subsequent offence by himself or by his clerk, servant or agent be personally liable to incur the penalties provided for second offences by the said section.

(b)

**Employee's
permit.**

(b) grant to any clerk, servant or agent of such person a permit to sell light beer upon the premises in respect of which a permit has been granted under clause *a* of this section, the permit to be known as an employee's permit.

Inspection.

(2) The premises designated in any permit shall be open to inspection at all times by any inspector or other officer whose duty it is to enforce or assist in the enforcement of the provisions of this Part.

Fee.

(3) The fee for a permit granted under subsection 1 shall not exceed \$20.

Cancellation.

(4) The Board may with or without a hearing for any cause which they deem sufficient cancel any such permit at any time.

**Light beer
not to be
sold except
under Act.**

(5) Except as expressly provided by this section and by the regulations passed thereunder no light beer shall be sold or kept for sale.

Regulations.

(6) The Board may with the approval of the Lieutenant-Governor in Council make regulations not inconsistent with the provisions of this Act,

(a) restricting or regulating the granting of permits under this section and providing for the fees to be charged therefor and for the manner of cancellation of such permits.

(b) restricting or regulating generally the keeping for sale or selling of light beer and without limiting the generality of the foregoing, the time or times the persons to whom and the premises in which light beer may be sold or kept for sale;

(c) approving of any forms deemed necessary for the proper enforcement of the provisions of this section;

(d) generally for the better carrying out of the provisions of this section.

**Allowing
disorderly
persons on
premises for
which per-
mit granted.**

71.—(1) Every person who, having a permit under section 70, allows drunkenness or any violent, quarrelsome, riotous or disorderly conduct to take place upon the premises designated in the permit, or sells or delivers light beer to any drunken person or permits and suffers any drunken person to consume any light beer on such premises, or permits and suffers persons of notoriously bad character to assemble or meet on such premises or suffers any gambling or any unlawful game to be

carried on on such premises shall be guilty of an offence against the provisions of this Act and shall be liable to the penalties mentioned in section 104.

2) Any person having a permit under section 70 may if he has reasonable grounds to suspect from the conduct of any person who has come upon the premises mentioned in his permit, although not of notoriously bad character, that such person is present for some improper purpose, may request him or her to leave immediately such premises, and unless the request is forthwith complied with such person may be forcibly removed.

PART V.

PROHIBITIONS, INTERDICTION, PENALTIES AND PROCEDURE IN PROSECUTIONS AND ON APPEAL.

Prohibitions.

72.—(1) Except as provided by this Act, no person shall, within the province, by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell liquor or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give to any other person liquor.

(2) No person shall, except with the permission of the Board, obtained within three months from the date upon which this Act comes into force, have or keep any liquor, other than native wine, within the Province which has not been purchased from a Government vendor or from a physician as provided by section 56.

(3) Subsection 2 shall not apply to the Board; nor to the keeping or having of any proprietary or patent medicines or of any extracts, essences, tinctures or preparations where such having and keeping is authorized by this Act.

(4) Nothing in this section shall apply to the possession by a sheriff or his bailiff of liquor seized under execution or other judicial or extra-judicial process nor to sales under executions or other judicial or extra-judicial process to the Board.

73. No brewer, distiller or manufacturer of liquor shall, within the Province, by himself, his clerk, servant or agent, give to any person any liquor, except as may be permitted by and in accordance with the regulations made under this Act.

Sale by vendor.

74. No vendor, and no person acting as the clerk or servant of or, in any capacity for any vendor, shall sell liquor in any other place or at any other time or otherwise than as authorized by this Act and the regulations.

Adulterated liquor sold under license

75. No holder of a license under this Act, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any liquor kept for sale, sold or supplied by him as a beverage, any drug or any form of methylic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid.

Interest in liquor business forbidden to Board, etc.

76.—(1) No member or employee of the Board shall be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employee and whether for his own benefit or in a fiduciary capacity for some other person.

Taking improper commissions

(2) No member or employee of the Board or any employee of the Government shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any person or corporation having sold, selling or offering liquor for sale to the Government or Board in pursuance of this Act.

Offering commissions etc.

(3) No person selling or offering for sale, to, or purchasing liquor from, the Government or the Board, shall either directly or indirectly offer to pay any commission, profit or remuneration, or make any gift to any member or employee of the Board or to any employee of the Government, or to anyone on behalf of such member or employee.

Taking liquor unlawfully disposed of.

77. Except as provided in this Act, no person shall, within the province, by himself, his clerk, servant, or agent attempt to purchase, or directly or indirectly or upon any pretence or upon any device, purchase or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept from any other person any liquor.

Consumption of liquor prohibited.

78. No person, within the Province of Ontario, shall consume any liquor on any premises where liquor is kept for sale.

Liquor which may be consumed

79. Except in the case of native wine or wine used for sacramental purposes, or in any religious ceremony, no person shall consume liquor within the Province, unless the same has been acquired under the authority of a permit or prescription issued under this Act, or is had or kept with the permission of the Board, and unless the package in which the liquor is

contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act, and the regulations made thereunder.

80.—(1) Except in the case of,—

Liquor to
be sealed.

- (a) liquor imported by the Government, or by the Board; or
- (b) native wines kept for sale and sold as provided by section 94, or
- (c) sacramental wines purchased as provided by the regulations; or

(d) Liquor had or kept under the provisions of section 61.

no liquor shall be kept or had by any person within the Province unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained has, while containing that liquor, been sealed with the official seal prescribed under this Act.

(2) Any provincial police inspector, constable or other officer who finds liquor which in his opinion is had or kept by any person in violation of the provisions of this Act may, without laying any information or obtaining any warrant, forthwith seize and remove the same and the packages in which the liquor is kept, and upon conviction of the person for a violation of any provision of this section the liquor and all packages containing the same shall in addition to any other penalty prescribed by this Act, *ipso facto* be forfeited to His Majesty, in the right of the Province.

Seizure of
liquor
without
warrant.

81.—(1) Except as expressly provided by this Act or regulations made thereunder, no person shall consume liquor in any place other than a residence.

Consump-
tion else-
where than
in residence.

(2) No person shall be in an intoxicated condition in a public place.

Drunken-
ness in
public
places.

82. No vendor or employee of a vendor shall sell or supply liquor or permit liquor to be sold or supplied to any person under or apparently under the influence of liquor.

Sale of
liquor to
drunken
person.

83. Liquor shall not be given, sold or otherwise supplied to any person under the age of twenty-one years, but this shall not apply to the supplying of liquor to a person under the age of twenty-one years for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician or as provided by this Act.

Supply of
liquor to
person
whose per-
mit is sus-
pended.

Supply of
liquor to
interdicted
person.

Permits and
interdicted
persons.

Fresh
application.

Purchase
under
suspended
permit.

Applying for
permit in
false name.

Permitting
drunkenness

Having
liquor
without
permit.

84. Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this Act, no person shall procure or supply or assist directly or indirectly in procuring or supplying liquor for or to any person whose permit is suspended or has been cancelled.

85. Except in the case of liquor supplied to an interdicted person upon the prescription of a physician, or administered to him by a physician or dentist pursuant to this Act, no person shall procure for or sell, or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person.

86. No permit shall be issued to any interdicted person, and every interdicted person who makes application for a permit, or who enters or is found upon the premises of any Government store shall be guilty of an offence against this Act.

87. No person whose permit to purchase liquor has been cancelled shall, within a period of twelve months, after the date of such cancellation, make application for another permit under this Act.

88.—(1) No person shall purchase or attempt to purchase liquor under a permit which is suspended, or which has been cancelled, or of which he is not the holder.

(2) No person shall apply in any name except his own for the issue to him of a permit authorizing the purchase of liquor or beer.

89.—(1) No person shall,—

(a) permit drunkenness to take place in any house or on any premises of which he is the owner, tenant or occupant; or

(b) permit or suffer any person apparently under the influence of liquor to consume any liquor in any house or on any premises of which the first-named person is owner, tenant or occupant; or

(c) give any liquor to any person apparently under the influence of liquor.

90.—(1) Except as authorized by this Act, no person, not holding a permit under this Act entitling him so to do, shall have any liquor in his possession within the Province.

(2) A holder of an individual permit may have in his possession and consume in his residence, only the liquor acquired by him under his individual permit or had or acquired by him otherwise under the provisions of this Act or regulations. Possession of liquor not acquired under permit.

91. Except as provided by the regulations and except in the case of liquor kept and consumed pursuant to a special permit granted under the provisions of section 37 of this Act, no person ^{hotels.}

(a) shall keep or consume liquor in any part of a hotel other than a private guest room;

(b) shall keep or have any liquor in any room in a hotel unless he is a bona fide guest of the hotel and is duly registered in the office of the hotel as an occupant of that room and has baggage and personal effects belonging to him in the hotel.

92.—(1) Except as permitted by this Act or regulations made thereunder, no person within the Province shall,— ^{Canvassing for orders.}

(a) canvass for, receive, take or solicit orders for the purchase or sale of any liquor or act as agent or intermediary for the sale or purchase of any liquor, or hold himself out as such agent or intermediary;

(b) exhibit or display, or permit to be exhibited or displayed any sign or poster containing the words "bar," "bar-room," "saloon," "tavern," "spirits," or "liquors" or words of like import; ^{Signs.}

(c) exhibit or display, or permit to be exhibited or displayed any advertisement or notice of or concerning liquor by an electric or illuminated sign, contrivance or device, or on any hoarding, sign-board, billboard or other like place in public view or by any of the means aforesaid, advertise any liquor. ^{Special signs.}

(2) This section shall not apply to any advertisement respecting beer or wine on a brewery or premises where beer or wine may be lawfully stored or kept under this Act, provided that such last mentioned advertisement has first been permitted in writing by the Board and then subject to the directions of the Board. ^{Exception as to beer and wine.}

(3) No person shall within the Province unless authorized by the Board, exhibit, publish or display, or permit to be exhibited, published or displayed any other advertisement, or form of advertisement, or any ^{Advertising.}

other announcement, publication or price list of or concerning liquor or where or from whom the same may be had, obtained or purchased.

Exception.

(4) This section shall not apply to,—

- (a) the Board nor to any act of the Board, nor to any Government store; nor
- (b) the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee.

Labels, etc.,
for beer or
liquor.

93. Every person manufacturing or brewing beer shall put upon all bottles containing beer so manufactured or brewed for sale within the province a distinctive label showing the nature of the contents, the name of the person by whom the beer is manufactured or brewed, and the place where the beer was brewed; and shall show clearly on all barrels or other receptacles containing beer so manufactured or brewed, whether bottled or otherwise, the nature of the contents, the name of the person by whom the beer is manufactured or brewed, and the place where the beer was brewed. For the purposes of this section, the contents of bottles, barrels, and other receptacles containing beer shall be shown by the use of the word "beer," "ale," "stout," or "porter" on the outside of all bottles, barrels and other receptacles.

Sale of
native wine.

94.—(1) Notwithstanding anything in this Act contained but subject to any regulations or restrictions which the Board may impose, manufacturers of native wines from grapes or cherries grown and produced in Ontario may sell, keep, or offer for sale and deliver the same in such quantities as may be permitted by the Board for consumption in a private residence.

Sales
prohibited.

(2) A manufacturer of native wines shall not sell such wines otherwise than as permitted by this section or allow any wine so sold, or any part thereof, to be drunk upon the premises of such manufacturer.

Order of
interdiction.

95.—(1) Where it is made to appear to the satisfaction of a judge of the county or district court that any person, resident or sojourning within the Province, by excessive drinking of liquor, misspends, wastes, or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the judge may make an order of interdiction directing the cancellation of any permit held by that person, and prohibit-

ing the sale of liquor to him until further ordered; and the judge shall cause the order to be forthwith filed with the Board.

(2) Every interdicted person keeping or having in his possession or under his control any liquor shall be guilty of an offence against this Act, and, on summary conviction thereof, the justice making the conviction may in and by the conviction declare the liquor and all packages in which the same is contained to be forfeited to His Majesty in the right of the Province.

96. Provided that on the making of an order for interdiction the interdicted person may forthwith deliver to the Board all liquor then in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or to be purchased by the Board at a price to be fixed by it.

97. Upon receipt of the order of interdiction, the Board shall cancel any permit held by the interdicted person, and shall notify the interdicted person and all vendors, and such other persons as may be provided by the regulations, of the cancellation of the permit, and of the order of interdiction so made and filed prohibiting the sale of liquor to the interdicted person.

98.—(1) Upon an application to the judge by any person in respect of whom an order of interdiction has been made under this Act, and upon it being made to appear to the satisfaction of the judge that the circumstances of the case did not warrant the making of the order of interdiction, or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the judge may by order set aside the order of interdiction filed with the Board, and the interdicted person may be restored to all his rights under this Act, and the Board shall accordingly forthwith notify all vendors and such other persons as may be provided by the regulations.

(2) The applicant shall, at least ten clear days before the application, give notice thereof to the Board, in writing served upon the Board, and to such other persons as the judge may direct.

PENALTIES AND PROCEDURE.

99. Every person who violates any provision of this Act or the regulations made thereunder shall be guilty of an offence against this Act, whether otherwise so declared or not.

Brewers and
distillers.

100. Every brewer, distiller or manufacturer who is convicted of keeping for sale or selling liquors by himself, or by his clerk, servant, agent or employee contrary to the provisions of this Act, or of the regulations made thereunder shall incur a penalty of \$5,000.

Illegal sale
by vendor.

101.—(1) Every person who violates any provision of section 74 shall for a first offence be imprisoned for not more than six months, and for a second or subsequent offence be imprisoned for not more than twelve months.

Illegal
commission

(2) Every person who violates any provisions of section 76 hereof shall be imprisoned for not more than twelve months.

Sale to
minors and
mentally
disabled
persons.

102. Every person who knowingly violates any provision of sections 83 and 85 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months.

Sale without
authority.

103.—(1) Every person who violates any of the provisions of subsection 1 of section 72 of this Act shall for a first offence be imprisoned for not less than two months or more than six months, and for a second or subsequent offence be imprisoned for six months.

Adulterated
liquor.

(2) Every person who violates any of the provisions of section 75 of this Act shall for a first offence be imprisoned for not less than six months nor more than one year, and for a second or subsequent offence shall be imprisoned for not less than one year.

Other
offences.

(3) Every one who violates any of the provisions of sections 34, 35, 42, 56, 58, 59, 60, subsection 2 of section 72 or sections 84, 90, 91 or 92 shall be liable for a first offence to a fine of not less than \$100 nor more than \$1,000 and in default of immediate payment shall be imprisoned for a period of one month, and for a second or subsequent offence to imprisonment for one month.

Corpora-
tions.

(4) If the offender convicted of an offence referred to in this section is a corporation, it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000.

General
penalty.

104.—(1) Every person guilty of an offence against this Act for which no penalty has been specifically provided shall be liable, for a first offence to a penalty of not less than \$10, nor more than \$100 and in default of immediate payment, to imprisonment for not more than thirty days; for a second offence to imprisonment for not less than one month nor

more than two months, or to a penalty of not less than \$200 nor more than \$500 and, in default of immediate payment, to imprisonment for not less than two months nor more than four months; and for a third or subsequent offence to imprisonment for not less than three months nor more than six months, without the option of a fine.

(2) If the offender convicted of an offence referred to in ^{Corporations.} this section is a corporation, it shall for a first offence be liable to a penalty of not less than \$1,000 nor more than \$2,000 and for a second or subsequent offence to a penalty of not less than \$2,000 nor more than \$3,000.

105.—(1) Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such corporation, or an order under this Act requires the payment of a sum of money by a corporation, the court, judge, or justice, by his or their conviction or order, after adjudging payment of such penalty, compensation or sum of money with costs may order and adjudge that, in default of payment of such penalty, compensation or sum of money forthwith or within a limited time, such penalty, compensation or sum of money shall be levied by distress and sale of the goods and chattels of such corporation.

(2) In any such case and in addition to the other remedies provided hereby, a copy of such conviction or order certified to by any judge, or justice, or by the officer in whose custody the same is by law required to be kept, may be filed in the proper county or district court, and such conviction or order shall thereupon become a judgment of said court and all proceedings may be thereupon taken and had as on any other judgment of said court.

(3) In the case of the conviction of or an order against a corporation which by the law of Ontario is required to obtain a license to carry on its business in Ontario and has obtained such license, if the penalty, compensation or sum of money be not paid according to the terms of the conviction or order, the Lieutenant-Governor in Council may, in case of such default in payment of penalty, compensation or sum of money as aforesaid, cancel and revoke the license so issued to such corporation.

(4) Provided always that nothing in this section contained ^{Proviso.} shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise can or may be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

Power to issue distress on non-payment of penalty.

(5) Notwithstanding anything in this Act where a pecuniary penalty is imposed, the justice may in his discretion order that in default of payment of the penalty, distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment of the penalty the offender shall be committed to gaol for such period as may be allowed, by law.

Offence by corporation

106. Where an offence against this Act is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed shall *prima facie* be deemed to be a party to the offence so committed, and shall be personally liable to the penalties prescribed for the offence as a principal offender; but nothing in this section shall relieve the corporation or the person who actually committed the offence from liability therefor.

Liability of occupant.

107. Upon proof of the fact that an offence against this Act has been committed by any person in the employ of the occupant of any house, shop, room, or other premises in which the offence is committed, or by any person who is suffered by the occupant to be or remain in or upon such house, shop, room or premises, or to act in any way for the occupant, the occupant shall *prima facie* be deemed to be a party to the offence so committed, and shall be liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed it under or by the direction of the occupant; but nothing in this section shall relieve the person actually committing the offence from liability therefor.

Search with warrant.

108.—(1) Upon information on oath by any provincial police inspector, constable or other officer, that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, it shall be lawful for any justice, or any justice of the peace, by warrant under his hand, to authorize and empower the inspector or constable, or any other person named therein, to enter and search the building or premises and every part thereof at any time and for that purpose to break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box, or other receptacle therein which might contain liquor.

Reasons for suspicion need not be set out.

(2) It shall not be necessary for the inspector, constable or other officer to set out in the information any reason or grounds for his suspicion or belief.

Search without warrant.

(3) Any provincial police inspector, other officer or constable who is authorized in writing for the purpose by the

Minister, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises may without warrant enter and search the building or premises, and every part thereof and for that purpose may break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain liquor, and such authority shall be a general one and shall be effective until revoked.

(4) Every person being in the building or premises or having ^{Obstruction.} charge thereof who refuses or fails to admit any inspector or constable demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such inspector or constable, or any such search by him, shall be guilty of an offence against this Act.

109. Any police officer or constable may arrest without ^{Arrest without warrant} warrant any person whom he finds committing an offence against this Act.

110. Any provincial police inspector, or constable or other ^{Search of vehicles without warrant.} officer, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and is contained in any vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance of any description, or is unlawfully kept or had, or kept or had for unlawful purposes, on the lands or person of any person, shall have power without warrant to search for such liquor wherever he may suspect it to be, and if need be, by force, and may search the person himself, and may seize and remove any liquor found and the packages in which the same is kept.

111. Where the provincial police inspector, constable, or ^{Penalty.} other officer, in making or attempting to make any search under or in pursuance of the authority conferred by section 108 or 110 of this Act, finds in any building or place any liquor which in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may forthwith seize and remove the same and the packages in which the same is kept, and may seize and remove any book, paper or thing found in the building or place which in his opinion will afford evidence as to the commission of any offence against this Act; and upon the conviction of the occupant of such building or place or any other person for keeping the liquor contrary to any of the provisions of this Act in such building or place, the justice making the conviction shall in and by the conviction declare the liquor and packages or any part thereof to be forfeited to His Majesty, in the right of the Province.

*Seizure,
and forfei-
ture of
liquor and
vehicles, etc.*

112. Where the provincial police inspector, constable, or other officers, in making or attempting to make any search under or in pursuance of the authority conferred by section 110 finds in any vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance of any description, liquor which in his opinion is unlawfully kept or had, or kept or had for unlawful purposes contrary to any of the provisions of this Act, he may forthwith seize the liquor and the packages in which the same is contained, and the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance in which the said liquor is so found; and upon the conviction of the occupant or person in charge of the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance or of any other person, for having or keeping the said liquor contrary to any of the provisions of this Act in such vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance, the justice making the conviction may in and by the conviction declare the liquor or any part thereof so seized and the packages in which the same is contained to be forfeited to His Majesty; and the justice may in and by the conviction further declare the vehicle, motor-car, automobile, vessel, boat, canoe or conveyance so seized to be forfeited to His Majesty, in the right of the Province.

*Seizure and
forfeiture of
liquor unlaw-
fully kept.*

113.—(1) Where liquor is found by any provincial police inspector, constable or other officer on any premises or in any place under such circumstances and in such quantities as to satisfy the inspector, constable, or officer, that such liquor is being had or kept contrary to any of the provisions of this Act, it shall be lawful for the inspector, constable, or officer to forthwith seize and remove by force, if necessary, any liquor so found, and the packages in which the liquor was had or kept.

*Possession of
seized goods.*

(2) Where liquor has been seized by an inspector, constable or officer under any of the provisions of this Act, under such circumstances that the inspector or constable is satisfied that such liquor was had or kept contrary to any of the provisions of this Act, he shall, under the provisions of this section, retain the same and the packages in which the same was had or kept.

*Forfeiture
where not
claimed.*

(3) If within thirty days from the date of its seizure no person, by notice in writing filed with the Board, claims to be the owner of the liquor, the liquor and all packages containing the same shall ipso facto be forfeited to His Majesty in the right of the Province, and shall forthwith be delivered to the Board.

*Proof of
claim.*

(4) If within the said time any claimant appears, it shall be incumbent upon him within that time, and after three days' notice in writing filed with the Board stating the time and place fixed for the hearing, to prove his claim and his right

under the provisions of this Act to the possession of such liquor and packages to the satisfaction of any justice, and on failure within that time to prove and establish his claim and right the liquor and packages shall *ipso facto* be forfeited to His Majesty, in the right of the Province.

114.—(1) In every case in which a justice makes any order for the forfeiture of liquor under any of the provisions of this Act, and in every case in which any claimant to liquor under the provisions of section 113 hereof, fails to establish his claim and right thereto, the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Board.

(2) The Board shall thereupon determine the market value of all forfeited liquor which is found to be suitable for sale in the Government stores, and the Board shall pay the amount so determined to the Treasurer of Ontario, after deducting therefrom the expenses necessarily incurred by the Board for transporting the forfeited liquor to the Government warehouses, and the liquor suitable for sale shall be taken into stock by the Board and sold under the provisions of this Act.

(3) All forfeited liquor which is found to be unsuitable for sale in Government stores shall be destroyed under competent supervision as may from time to time be directed by the Board.

(4) In every case in which liquor is seized by a provincial police inspector, constable or other officer it shall be his duty to forthwith make or cause to be made to the Board a report in writing, of the particulars of such seizure.

115. Where any information is given to any provincial police inspector, constable or other officer, that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent enquiry into the truth of such information, and to enter complaint of such contravention before the proper court, without communicating the name of the person giving such information; and it shall be the duty of the Crown Attorney within the county in which the offence is committed to attend to the prosecution of all cases submitted to him by an inspector or constable or by an officer appointed under this Act by the Board or by any officer appointed by the council of a municipality under section 121 and the council appointing such officer shall be responsible for the payment of the proper fees of the Crown Attorney when so employed by such officer.

116.—(1) For the purpose of obtaining information concerning any matter relating to the administration or enforcement

ment of this Act, any inspector or officer appointed by the Board in writing for the purpose or any provincial inspector, constable or other officer, may inspect the freight and express books and records, and all way-bills, bills of lading, receipts, and documents in the possession of any railway company, express company, or other common carrier doing business within Ontario, containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage within Ontario.

Carriers not producing records.

(2) Every railway company, express company, or common carrier, and every officer or employee of any such company or common carrier, who neglects or refuses to produce and submit for inspection any book, record, or document referred to in the next preceding section when requested to do so by the Board or by such inspector or officer, provincial inspector or constable shall be guilty of an offence against this Act.

Description of offence.

117. In describing the offence respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act it shall be sufficient to state the sale or keeping for sale, or disposal, having, keeping, giving, purchasing, or consumption of liquor simply, without stating the name or kind of such liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Powers as to amendment.

118. Notwithstanding anything in this Act, at any time before judgment the justice may amend or alter any information and may substitute for the offence charged therein any other offence against the provisions of this Act; but, if it appears that the defendant has been materially misled by such amendment, the justice shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

Payment over and application of penalty.

119. The penalties in money imposed under this Act or any portion of them that may be recovered except as provided in the next section shall be paid to the convicting justice in the case, and shall by him be paid to the district inspector of provincial police, whose duty it is to enforce the provisions of this Act in any county or district in which the offence was committed, to be paid or remitted to the Board in accordance with its regulations.

120. Where an officer appointed under section 121 is the prosecutor or complainant, the penalty in money or such part thereof as the Board may by regulation determine, shall be paid to the treasurer of the local municipality, wherein the offence was committed.

121. The council of any municipality may by by-law appoint an officer or officers whose duty it shall be to enforce the provisions of this Act within the municipality, and such council may by by-law provide for the payment of such officer or officers, and for payment of any expenses incurred in such enforcement out of the general funds of the municipality, and every officer so appointed shall have within the municipality for which he is appointed all the powers conferred on a provincial constable under this Act, and all the provisions of this Act, applicable to any such constable shall apply to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions, but nothing in this section contained shall be construed to authorize the payment to such officer of any part of the fines recovered under this Act.

122. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, within three months after the commission of the offence or after the cause of action arose, and not afterwards, before any justice of the peace for the county in which the offence is alleged to have been committed, and may be made without any oath or affirmation to form the truth thereof, and the same may be according to form provided in the regulations or to the like effect.

123. All prosecutions under this Act, whether for the recovery of a penalty or otherwise, shall take place before a police magistrate having jurisdiction or before two or more justices of the peace where no such police magistrate is available.

124. Except, so far as otherwise provided by this Act, the penalties imposed by or under the authority of this Act, shall be recoverable under *The Ontario Summary Convictions Act* and the provisions of the said Act shall apply to every prosecution hereunder. Provided, however, that no justice shall have power to suspend the imposition of any such penalties.

125. The description of any offence under this Act, in the words of this Act, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision,

excuse, or qualification, whether it occurs by way of proviso or in the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived, in the information; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Information.

126. In any prosecution under this Act for the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, or consuming of liquor, it shall not be necessary that any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept, had given, purchased, or consumed, or the precise consideration (if any) received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge; but the justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence to the satisfaction of the justice, convict him accordingly.

Proof of sale.

127. In proving the sale, disposal, gift or purchase, gratuitous or otherwise, or consumption of liquor, it shall not be necessary in any prosecution to show that any money actually passed or any liquor was actually consumed, if the justice hearing the case is satisfied that a transaction in the nature of a sale, disposal, gift, or purchase actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to or purchased by the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises.

Analysis by Dominion or Provincial analysts.

128. In any prosecution under this Act, or the regulations made thereunder, production by a police officer, policeman, constable, provincial police inspector or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making the same without any proof of appointment or signature.

Inference as to intoxicating liquor.

129. The justice trying a case, shall, in the absence of proof to the contrary, be at liberty to infer that the liquor in

question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor.

130. Upon the hearing of any charge of selling or purchasing liquor, or of unlawfully having or keeping liquor, <sup>Indorsements
from circumstantial
stations</sup> contrary to any of the provisions of this Act, the justice trying the case shall have the right to draw inferences of fact from the kind and quantity of liquor found in the possession of the person accused, or in any building, premises, vehicle, motor car, automobile, vessel, boat, canoe, conveyance, or place occupied or controlled by him, and from the frequency with which the liquor is received thereat or therein or is removed therefrom, and from the circumstances under which it is kept or dealt with.

131. If, on the prosecution of any person charged with committing an offence against this Act, in selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then, unless such person proves that he did not commit the offence with which he is so charged, he may be convicted of the offence.

132.—(1) The burden of proving the right to have or keep liquor shall be on the ^{Burden of proof.} person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming such liquor.

(2) The burden of proving that any prescription or administration of liquor is *bona fide* and for medical purposes only shall be upon the person who prescribes or administers such liquor, or causes such liquor to be administered, and a justice trying a case shall have the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered, and from the circumstances under which it is prescribed or administered.

133.—(1) The proceedings upon any information for an offence against any of the provisions of this Act, in a case where previous conviction or convictions are charged shall be as follows:

(a) The justice shall in the first instance inquire concerning such subsequent offence only, and if the accused is found guilty thereof he shall then be asked whether he was so previously convicted as alleged in the information, and if he answers that he

was so previously convicted he shall be sentenced accordingly; but if he denies that he was so previously convicted or does not answer such question, the justice shall then inquire concerning such previous conviction or convictions;

Previous convictions.

(b) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of a convicting justice or the Minister or the clerk of the court to whose office the conviction has been returned, without proof of signature or official character;

Procedure where previous conviction avoided.

(c) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof, by reason of any previous convictions being set aside, quashed, or otherwise rendered void, a justice by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named, and shall thereupon, upon proof of the due service of such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance;

Conviction under different sections.

(d) In case any person who has been convicted of a violation of any provision of this Act is afterward convicted of a violation of any other provision of this Act, such later conviction shall be deemed a conviction for a second offence within the meaning of this Act, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

Conviction for several charges in one information.

(2) Charges of several offences against this Act committed by the same person may be included in one and the same information, if the information and the summons or warrant issued thereon contain specifically the time and place of each offence.

Conviction for several offences.

(3) One conviction for several offences, and providing a separate penalty or punishment for each, may be made under this Act, although such offences may have been committed on the same day, but the increased penalty or punishment herein before imposed shall only be incurred or awarded in the

case of offences committed on different days and after information laid for a first offence.

134.—(1) In all prosecutions, actions, or proceedings under the provisions of this Act, against a corporation, every summons, warrant, order, writ, or other proceeding may, in addition to any other manner of service which may be provided or authorized by law be served on the corporation by delivering the same to any officer, attorney or agent of the corporation within the Province, or by leaving it at any place within the province, where it carries on any business. Provided that service in any other way shall be deemed sufficient if the court or justice by or before whom such summons, warrant, order, writ, or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, is of the opinion that the service has been such as to bring the summons, warrant, order, writ, or other proceeding to the notice of the corporation.

135. In any prosecution, action or proceeding under this Act in which it is alleged that a corporation is or has been guilty of an offence against this Act, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary.

136.—(1) No order or warrant based upon a conviction and no search warrant, shall upon any application, by way of ^{Informalities not to invalidate.} *certiorari* or motion to quash or *habeas corpus* be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance.

(2) The court or judge hearing any such application may ^{Amendment.} amend the order, warrant, or search warrant as justice may require.

137. No motion to quash a conviction, order, or warrant, made under this Act shall be heard by the court or judge ^{Notice of motion to quash conviction.} unless the notice of such motion has been served within thirty days from the date of the conviction or order.

138.—(1) Any person convicted under this Act may, subject to the provisions hereinafter mentioned, appeal from the conviction to the judge of the county or district court of the county or district in which the conviction is made sitting in chambers without a jury if notice of such appeal is given to the prosecutor or complainant and to the convicting justice within twenty days of such conviction.

Notice to set forth grounds and give address for service.

(a) Such notice shall set forth the grounds on which the appeal is made and shall have endorsed thereon the address at which the appellant may be served with any notice or process in connection with any proceeding under this section or under section 139 of this Act.

Affidavit to be delivered with notice of appeal.

(2) There shall be delivered to the convicting justice, with such notice of appeal, an affidavit of the person convicted complying with the requirements set out in subsection 15 hereof.

Judge, meaning of.

(3) The term "judge" as used in this Act shall mean judge or acting judge of the county or district court of a county or district, and shall include a junior judge acting at the request or in the case of the illness or absence of the judge.

Appeal after payment of fine and costs.

(4) In case the appellant has paid the fine and costs imposed upon him by the convicting justice, he may, subject to the conditions set out in subsections 1 and 2 hereof and the deposit of \$50 with the justice to answer the respondent's costs, appeal against such conviction to the judge having jurisdiction in the matter who shall hear and determine such appeal as provided in subsections 11 and 12.

When deposit for costs of appeal to be made.

(a) The deposit of \$50 referred to in this subsection shall be made at the time of the delivery of the notice of appeal or within five days thereafter, or in default of such deposit, his appeal shall be dismissed.

Recognizance.

(5) Subject to the next following subsection, the person convicted, if he is in custody, shall either remain in custody until the hearing of such appeal before the judge, or he may, notwithstanding any order of imprisonment either in the first instance, or in default of the payment of a fine, enter into a recognizance with two sufficient sureties in such sum or sums as the justice with the approval of the Crown Attorney may fix, conditioned personally to appear before the judge and to try such appeal and abide by his judgment thereupon, and also to pay any penalty in money and costs which the judge may order.

Money deposit in lieu of recognizance.

(6) Where the appellant desires to deposit a sum of money instead of providing sureties, he may do so on entering into a recognizance on his own behalf, and depositing an amount approved by the convicting justice and the Crown Attorney, not being less than a surety would be required to become responsible for, and any money so deposited shall be available for the payment of any fine and costs which the judge may think fit to impose.

(7) In any case in which security is provided, whether in money or otherwise, the same shall not be withdrawn until the time has elapsed for entering an appeal, and in case of a further appeal, the security shall remain until the final disposition of the case.

(8)—(a) Upon the recognizance being entered into the justice shall liberate such person if in custody.

(b) The justice shall immediately after such liberation or if the appellant remains in custody shall immediately after service of the notice of appeal upon the magistrate deliver or transmit by registered post to the clerk of the county or district court, to be delivered after filing to the judge appealed to the depositions and all other papers in the case, including notice of appeal and affidavit of the appellant with a certificate signed by the justice in the form hereinafter mentioned, and such certificate shall be deemed to be a part of the record.

(9) The said certificate shall be in the following form:

Form.

CERTIFICATE OF JUSTICE

A notice having been served upon me, the undersigned, of the intention of the defendant to appeal against my decision in the case set out in the information mentioned below, I herewith in pursuance of the Statute, return the following papers therein:

1. Notice of appeal and affidavit (*if any*).
2. Information.
3. Summons or warrant issued thereon.
4. The evidence.
5. The conviction or order (*as the case may be*).
6. Other papers (*if any*), naming them.

And I hereby certify to the judge of the county (*or district*) of that I have above truly set forth all the papers and documents in my custody or power relating to the matter set forth in the said notice of appeal.

Dated this day of , 192 .

Justice

in and for the.....

(10) The appellant shall pay to the clerk of the county or district court for his attendance and services in connection with such appeal the sum of \$2, and the same shall be taxed as costs in the cause.

(11) Within fifteen days from the service of the notice of appeal the judge shall on the application of any appellant grant a summons calling upon all parties to attend before him at his chambers on the day and hour named therein when the hearing of the appeal will be proceeded with.

(12)

*Appeal to
on evidence
before
Justice.*

(12) The appeal shall be heard and determined upon the evidence and proceedings had and taken before the justice to be called the record, and the judge may, upon such hearing, make such order as he may think fit affirming, reversing or amending the conviction appealed from, and the conviction so made shall have the same effect and be enforced in the same way as if made by the justice whose conviction is appealed from.

(a) The order or judgment of the judge shall not take effect until fifteen days from the date thereof, provided, however, that if the release of a person from custody has been ordered the judge may, with the approval of the Crown Attorney, grant bail to the prisoner in such sum and with such surety or sureties as the judge, with the approval of the Crown Attorney may deem sufficient and may take the recognizance of the accused accordingly conditioned to abide by the decision of the Appellate Division to which an appeal may be taken as provided by section 139 of this Act.

*Application
of 1926 c. 31.*

(13) The practice and procedure upon such appeals and all proceedings thereon, shall, except as hereinbefore provided, be governed by *The Ontario Summary Convictions Act* so far as the same is not inconsistent with this Act.

*Appeal to
Court of Cor-
onial Appeal.*

(14) Any informant or complainant dissatisfied with an order of dismissal made by a justice under this Act may, with the consent of the Attorney-General, procure within fifteen days of the date of the order of dismissal, appeal to the judge of the county or district court in the county or district in which the order complained of was made, and the proceedings shall be the same as nearly as may be as in the case of an appeal by a person convicted under this Act, and the judge shall have and may exercise the same powers as in the case of an appeal against a conviction, and may make such order as he may think fit and the deposit of security in such case shall be dispensed with.

*Appeal to
Coronial judges.*

(15) No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Act unless the party appealing shall, with his notice of appeal, deliver to the justice who tried the case, an affidavit that he did not by himself or by his agent, servant or employee or any other person with his knowledge or consent commit the offence charged in the information, and such affidavit shall negative the charge in the terms used in the conviction, and shall further negative the commission of the offence by the agent, servant or employee of the accused or any other person with his knowledge or consent, which affidavit shall be transmitted with the conviction and other papers to the judge to whom the

appeal is made, provided that where the appeal is only as against the penalty imposed by the justice the affidavit required by this section shall not be necessary.

- (a) If the party appealing be a corporation, the affidavit referred to in this section may be made by the president, secretary or any other officer or employee of the corporation having knowledge of the facts.

(16) Except as provided by this section, no appeal shall be taken against any conviction or order made by a justice under any of the provisions of this Act. ^{Other appeals not allowed.}

139.—(1) At any time within fifteen days from the date of the judgment or order of any judge of a county or district court arising out of or under section 138 of this Act, the Attorney-General may direct an appeal to a divisional court of the Appellate Division of the Supreme Court of Ontario upon any question touching the validity or invalidity of any Act of this Legislature or of any part thereof, or from the judgment or order of a judge of the county or district court in any other case arising out of or under the said section in which the Attorney-General of Ontario certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal. ^{Appeal to divisional court.}

(2) Such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal setting forth the grounds of such appeal. ^{Notice of appeal.}

- (a) Service of the notice of appeal upon the solicitor for service, the opposite party or upon a grown-up person at the last known place of residence or business of the opposite party, or the sending of such notice by registered mail, to the last known address of such party shall be deemed good and sufficient service.

(3) The clerk of the county or district court shall certify the judgment, conviction, orders and all other proceedings to the proper officer of the Supreme Court at Toronto for use upon appeal. ^{Certifying proceedings to court.}

(4) The Divisional Court shall thereupon hear and determine the appeal and shall make such order for carrying into effect the judgment of the court as the court shall think fit. ^{Hearing and determination of appeal.}

140.—(1) From and after the date on which this Act comes into force the Board may license one or more hotels in every municipality for the accommodation of the travelling public and other guests, and every such license shall be

deemed to be a license to the person and for the premises therein described.

Regulations

(2) The Board may by regulation define the conditions, accommodation and qualifications requisite for obtaining such license and regulate the hotels so licensed.

Standard Hotels.

(3) The hotels so licensed shall be known as Standard Hotels.

License fee.

(4) The annual fee to be paid for such license shall be \$1.

Privileges of licensee

(5) The keeper of a Standard Hotel shall be entitled to sell non-intoxicating drinks and beverages other than light beer, cigars, cigarettes and tobacco, and to conduct an ice cream or general restaurant or cafe without further or other license.

Control of restaurant licenses.

(6) No restaurant license or other license to sell the articles or commodities or any of them mentioned in subsection 5 hereof, shall without the consent of the Board be issued by any municipality or under its authority in respect of any premises which form part of a building in which an unlicensed hotel, inn or house of public entertainment is carried on, whether or not there are any internal means of communication between the respective premises.

Penalty for sale of articles in unlicensed premises.

(7) The keeper of any hotel, inn or house of public entertainment not so licensed as aforesaid shall not sell or traffic in any of the articles mentioned in subsection 5, any such keeper who violates this subsection shall be guilty of an offence under this Act.

Cancelling license.

(8) The Board may cancel any such license at any time for such reason as to the Board may seem sufficient.

Power to grant tax exemption.

(9) The council of any municipality may by by-law grant any such Standard Hotel total or partial exemption from municipal taxation, except school and local improvement taxes.

General intent.

141. The purpose and intent of this Act, are to prohibit transactions in liquor, which take place wholly within the Province of Ontario, except under Government Control as specifically provided by this Act, and every section and provision of this Act, dealing with the importation, sale and disposition of liquor within the Province through the instrumentality of a board and otherwise provide the means by which such government control shall be made effective and nothing in this Act shall be construed as forbidding, affecting or regulat-

Saving as to legislative authority of the Province

ing

ing any transaction which is not subject to the Legislative authority of the Province.

142. Notwithstanding anything in this Act contained, the Board may provide for extending the duration of any permit or license issued under *The Ontario Temperance Act*, and shall have power to deal with any unfinished business or matter under the said Act as fully and effectually as could the Board of License Commissioners for Ontario, prior to the day named by the Lieutenant-Governor in his proclamation as herein provided.

Unfinished
or out-
standing
business of
present
Board.

143.—(1) Whenever any person has drunk liquor to excess and, while in a state of intoxication from such drinking, has come to his death by suicide or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to an action for a wrongful act and as a personal wrong, and subject to the provisions of subsection 2, such action may be brought under *The Fatal Accidents Act*, and the amount which may be recovered as damages shall not be less than \$100.

Fatal acci-
dents caused
by use of
liquor.

(2) Any such action shall be brought within six months from the date of the death of such intoxicated person and not afterwards.

Rev. Stat.
c. 151.

144. In any case of emergency the Lieutenant-Governor in Council may issue a proclamation forbidding any person to have liquor in his possession within the area mentioned in such proclamation, unless such person has been authorized in writing by the Board and given special permission thereby to have liquor within that area, and the proclamation may also authorize, within such area, the seizure without other warrant or authority and detention for such time as may be authorized, of any liquor not had or kept with the permission of the Board within such area. The proclamation may remain in force for such period as may be therein determined.

Proclama-
tion forbid-
ding posse-
sion of
liquor.

145. The Acts and parts of Acts set out in Schedule "A" ^{Repeal.} hereto are repealed.

146. This Act shall come into force on a day to be named <sup>Commenc-
ment of Act.</sup> by the Lieutenant-Governor by his proclamation.

SCHEDULE "A"

- 1916, chapter 50 (*The Ontario Temperance Act*)—The whole.
1917, chapter 50 (*The Ontario Temperance Act, 1917*)—The whole.
1918, chapter 40 (*The Ontario Temperance Amendment Act, 1918*)—The whole.
1919, chapter 60 (*The Ontario Temperance Amendment Act, 1919*)—The whole.
1920, chapter 78 (*The Ontario Temperance Amendment Act, 1920*)—The whole.
1920, chapter 80 (*The Liquor Transportation Act, 1920*)—The whole.
1921, chapter 73 (*The Ontario Temperance Amendment Act, 1921*)—The whole.
1922, chapter 86 (*The Ontario Temperance Amendment Act, 1922*)—The whole.
1922, chapter 87 (*The Carriage of Liquor Act, 1920*)—The whole.
1924, chapter 65 (*The Ontario Temperance Act, 1924*)—The whole.
1924, chapter 66 (*The Hotels Act, 1924*)—Section 10.
1925, chapter 67 (*The Ontario Temperance Act, 1925*)—The whole.

CHAPTER 71.

The Minors' Protection Act.

Assented to 5th April, 1927

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. This Act may be cited as *The Minors' Protection Act*, Short title. 1927.

2.—(1) The keeper of a licensed billiard, pool or bagatelle room, kept directly or indirectly for hire or gain, shall not admit a child under the age of eighteen years thereto, or allow him to remain therein, without the consent of his parent or guardian. R.S.O. 1914, c. 216, s. 2, *part*. Penalty for admitting minor under eighteen.

(2) This section shall not apply to a child who is a member of the family of the keeper or his servant, or does not go to the billiard, pool or bagatelle room for the purpose of loitering or to play billiards, pool or bagatelle therein, nor where the keeper had reasonable cause to believe that such consent had been given by the parent or guardian, or that such child was not under the age of eighteen. R.S.O. 1914, c. 216, s. 3, *part*. Where Act does not apply

3.—(1) No person shall either directly or indirectly sell Supplying tobacco to persons under 18. or give or furnish to a child under eighteen years of age cigarettes, cigars or tobacco in any form. R.S.O. 1914, c. 234, s. 2 (1), *part*.

(2) This section shall not apply to a sale to a child for his parent or guardian under a written request or order of the parent or guardian. R.S.O. 1914, c. 234, s. 4, *part*. Where minor purchases for parent or guardian.

4.—(1) Every person who contravenes the provisions of this Act shall incur a penalty of not less than \$2 nor more than \$50. R.S.O. 1914, c. 234, s. 3. Penalty.

(2) A person who appears to the magistrate to be under the age named shall be deemed to be under that age unless it is proved that he is in fact over that age. R.S.O. 1914, c. 234, s. 5, *part*. Presumption as to age.

Repeal.

5. *The Minors' Protection Act*, being chapter 216 of the Revised Statutes of Ontario, 1914, and *The Minors' Tobacco Sales Act*, being chapter 234 of the Revised Statutes of Ontario, 1914, are hereby repealed.

Commence-
ment of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

[NOTE.—See provisions of *The Theatres and Cinematographs Act* as to admission of children.]

CHAPTER 72.

An Act to amend The Athletic Commission Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Athletic Commission Act*, short title, 1927.

2. Section 4 of *The Athletic Commission Act* is repealed. 1920, c. 30,
s. 4,
repealed.

3. Section 10 of *The Athletic Commission Act* is repealed 1920, c. 30,
and the following substituted therefor: s. 10,
repealed,

10.—(1) For the purpose of providing a fund for the payment of the expenses of the commission and the salaries and other expenses of its officers, clerks and servants, and the general expenses incurred in carrying out the provisions of this Act every person, corporation, association or club conducting a professional contest or exhibition of any sport or game shall pay to the commission such amount not exceeding two per centum of the gross receipts taken by such person, corporation, association or club in respect of such contest or exhibition as shall from time to time be determined by the commission with the approval of the Lieutenant-Governor in Council. Tax on gate
receipts for
funds of
Commission.

(2) The amounts so received by the commission, together with all fees received for licenses and permits issued under section 11, shall be set apart by the commission and shall constitute a fund for the payment of the salaries, remuneration and expenses mentioned in subsection 1, and any portion of such funds remaining unexpended and not required to meet the charges mentioned in subsection 1 may be used by the commission for the assistance, encouragement and promotion of sport and recreation in such a way and by such means as the commission may decide. Fund
for main-
tenance of
Commission.

Quarterly statement of receipts and expenditures.

- (3) The commission shall furnish to the Lieutenant-Governor in Council, quarterly on the last days of January, April, July and October, a statement showing the amounts received and expended by the commission in each quarter.

1920, c. 30,
S. 11.
repealed.

- 4.** Section 11 of *The Athletic Commission Act* as amended by section 3 of *The Athletic Commission Act, 1921*, is repealed and the following substituted therefor:

Licenses or permits for boxing or wrestling competitions.

11. The commission may issue a license or permit to any person, corporation or association to hold or participate or take part in holding a professional boxing or wrestling contest or exhibition, and no such boxing or wrestling contest or exhibition shall be held or participated in except by a person, corporation or association holding such license or permit.

1920, c. 30,
amended.

- 5.** *The Athletic Commission Act* is amended by adding thereto the following section:

Penalty.

- 13c. Every person, club, corporation or association who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of section 10 shall in addition to the payment of the amounts provided in subsection 1 of section 10 incur a penalty of not less than \$20, nor more than \$100.

1920, c. 30,
amended.

- 6.** *The Athletic Commission Act* is further amended by adding thereto the following sections:

Payment of amount of gate receipt tax to Commission.

- 14a. Every person, club, corporation or association conducting any professional contest or exhibition shall, not later than the day following such contest or exhibition, remit to the commission at its office at Toronto, by registered mail, the amount payable under the provisions of subsection 1 of section 10.

Inter-
pretation.

- 14b. The expression "professional contest or exhibition of any sport or game" shall mean and include lacrosse, football, baseball, hockey, boxing and wrestling contests and any other sport or game from time to time designated by the Lieutenant-Governor in Council.

Commencement of Act.

- 7.** This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 73.

An Act respecting the Public Health.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Public Health Act, 1927.* Short title. R.S.O. 1914, c. 218, s. 1.

INTERPRETATION.

2. In this Act,—

Interpreta-
tion.

- (a) "Communicable disease" shall mean and include any contagious or infectious disease, and shall include smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, tuberculosis, mumps, anthrax, bubonic plague, rabies, poliomyelitis and cerebro-spinal meningitis, and any other disease which may be declared by the regulations to be a communicable disease;
- (b) "Department" shall mean the Department of Health for Ontario.
- (c) "Deputy Minister" shall mean the Deputy Minister of Health for Ontario;
- (d) "House" or "household" shall include a dwelling house, lodging house, or hotel, and a students' residence, fraternity house, or other building in which any person in attendance as a student, pupil or teacher, or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged;

(e)

"Householder."

(e) "Householder" shall include the proprietor, master, mistress, manager, housekeeper, janitor, and caretaker of a house;

"Local Board."

(f) "Local board" shall mean the local board of health for any municipality;

"Medical Officer of Health."

(g) "Medical Officer of Health" shall mean the medical officer of health of the municipality appointed under this Act, or in unorganized territory a medical officer of health appointed by the Department for a specified area;

"Member of a household."

(h) "Member of a household" shall mean a person residing, boarding or lodging in a house;

"Minister."

(i) "Minister" shall mean the Minister of Health for Ontario;

"Municipality."

(j) "Municipality" shall not include a county;

"Occupier."

(k) "Occupier" shall mean the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person;

"Owner."

(l) "Owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the same if such lands and premises were let;

"Premises."

(m) "Premises" shall mean and include any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyance of passengers or freight, any tent, van, or other structure, of any kind, any mine, and any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not;

"Regulations."

(n) "Regulations" shall mean regulations made under the authority of this Act;

"Street."

(o) "Street" shall include any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.
R.S.O. 1914, c. 218, s. 2; 1920, c. 81, s. 2; 1924, c. 69, s. 8. *Amended.*

3.—(1) The Lieutenant-Governor in Council may appoint ^{Chief Inspector of Health.} a duly qualified medical practitioner, of at least five years' standing, to be Chief Inspector of Health.

(2) The Chief Inspector of Health may exercise, anywhere in Ontario any of the powers conferred by this Act on medical officers of health, and he shall act, under the direction of the Minister, and shall perform such duties as may be assigned to him by the Minister or by the Deputy Minister. R.S.O. 1914, c. 218, s. 4 (4, 5). *Amended.*

4. Except as otherwise expressly provided in this Act or ^{"Minister"} substituted for "chief officer" and "Department" for "Provincial Board."

the regulations, wherever in any regulations made under the authority of any former Act for which this Act is substituted or in any other Act reference is made to the "Chief Officer of Health," the word "Minister" shall be deemed to be substituted therefor, and where reference is made to the "Provincial Board of Health", the words "Department of Health" shall be deemed to be substituted therefor. *New.*

5. It shall be the duty of the Department, and it shall have power to,—

- (a) make investigations and enquiries respecting the causes of disease and mortality in Ontario or in any part thereof;
- (b) advise the officers of the Government in regard to public health generally, and as to drainage, water supply, disposal of garbage and excreta, heating, ventilation and plumbing of premises;
- (c) exercise a careful oversight of vaccine matter and serum produced or offered for sale in Ontario, or manufacture the same if deemed advisable, and as far as possible prevent the sale of the same when found to be impure or inert, and see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Department;
- (d) determine whether the existing condition of any premises or of any street, or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health;

Inspection of
sanitary
conditions in
gaols, etc.

(e) inspect all county gaols, prisons, houses of refuge, asylums, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safe keeping, custody or care of any person confined therein by process of law, or received or cared for therein at his own charges or by public or private charity, and see that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with;

Distribution
of literature.

(f) make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention to all matters relating to the prevention and spread of communicable diseases in such manner as the Department may deem best to control any outbreak;

Entry on
premises and
orders as to
alterations
therein.

(g) enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Department may deem advisable in the interests of the public health. R.S.O. 1914, c. 218, s. 6. *Amended.*

Investiga-
tion as to
disease and
mortality.

6.—(1) The Minister may direct an officer of the Department to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he may deem expedient, and shall, for the purposes of such investigation, possess all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 18.

Investiga-
tion as to
unsanitary
conditions
and nuis-
ances.

(2) Where it appears to the Department that any unsanitary condition or nuisance exists in a municipality, and that the local board has, on a proper representation of the facts, neglected or refused to take such measures as may remove such condition or abate such nuisance, the Minister may direct an investigation as provided by subsection 1.

Removal or
abatement.

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Department may direct its immediate removal or abatement by the person responsible therefor, and if such person neglects or refuses after three days' notice by the Department to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of

any

any money of the municipality any expenses incurred under such orders. R.S.O. 1914, c. 218, s. 7. *Amended.*

7. The Minister, with the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed necessary for,—
Regulations.

- (a) the prevention or mitigation of disease;
Prevention and mitigation of disease.
- (b) the frequent and effectual cleansing of streets, yards and premises;
Cleansing of streets and premises.
- (c) the removal of nuisances and unsanitary conditions;
Removal of nuisances, etc.
- (d) the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof;
Cleansing and disinfecting premises
- (e) the construction, repair, renewal, alteration and inspection of plumbing, the material to be used in the construction of, and the location of drains, pipes, traps, and other works and appliances forming part of or connected with the plumbing in any building or upon any property or in any highway, street, lane or public place, and in any structure or place, whether permanent or temporary, constructed or used thereon or therein;
Regulations as to plumbing.
- (f) the location, construction, repair, renewal, alteration, and inspection of sewers, drain-pipes, manholes, gully traps, flush tanks, and other works, in or upon public, municipal or private property, forming part of or connected with any municipal sewerage system;
Sewerage system.
- (g) regulating, so far as this Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease;
Passenger traffic.
- (h) the safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals;
Burials.
- (i) the supplying of such medical aid, medicine and other articles and accommodation as the Department may deem necessary for preventing or mitigating an outbreak of any communicable disease;
Checking communicable diseases.

**Inspection
for the
purpose of
disinfection.**

- (j) the inspection of premises by the local board or medical officer of health, or some officer of the Department, and the cleansing, purifying and disinfecting anything contained therein when required by the local board or officer, at the expense of the owner or occupier, and for detaining for this purpose any steamboat, vessel, railway carriage or car, or public conveyance and anything contained therein and any person travelling thereby as may be necessary;

**Ordering
alteration or
destruction.**

- (k) entering and inspecting any premises used for human habitation in any locality in which conditions exist, which, in the opinion of the Department, are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building which is, in the opinion of the Department, unfit for human habitation;

**Preventing
over-
crowding.**

- (l) preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein;

**Preventing
travel by
persons ex-
posed to
infection.**

- (m) preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past;

**Sanitary
inspectors.**

- (n) regulating the appointment of sanitary inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality;

Surveillance.

- (o) the removal or keeping under surveillance of persons living in infected localities;

**Taking pos-
session of
premises.**

- (p) authorizing the taking possession by a municipal corporation, local board of health, or medical officer of health, for any of the purposes of this Act, of any land or unoccupied building;

**Health and
summer
resorts and
inland
waters.**

- (q) the sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein

of sewage, excreta, vegetable, animal or other matter or filth;

(r) any other matter which, in the opinion of the Department, the general health of the inhabitants of Ontario or of any locality may require;

(s) the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrups, wines and brewed beers. R.S.O. 1914, c. 218, s. 8; 1916, c. 51, s. 1; 1923, c. 52, s. 2. *Amended.*

8. The Department may, from time to time, declare all or any of such regulations to be in force in any specified municipality or locality for such time as the Department may deem expedient. R.S.O. 1914, c. 218, s. 9. *Amended.*

9.—(1) The regulations shall be subject to the approval of the Lieutenant-Governor in Council, and shall come into force and take effect upon publication of such approval and the regulations approved in the *Ontario Gazette*. *Approval and promulgation of regulations.*

(2) Every regulation shall be laid before the Assembly ^{To be laid before Assembly.} forthwith if the Assembly is then in session, or if it is not then in session within fourteen days after the commencement of the next session. R.S.O. 1914, c. 218, s. 10.

10.—(1) Any order or regulation made by the Department shall, while it is in force in any locality, supersede any municipal by-law or other regulation, including the by-law set out in Schedule B, dealing with the same subject matter, and so far as any such by-law or other regulation is inconsistent with the order or regulation of the Department, such by-law or other regulation shall be deemed to be suspended. *By-laws, etc., superseded by regulations.*

(2) Every order or regulation made by the Department shall be published in the next report issued by the Department. *Publication of regulations.* R.S.O. 1914, c. 218, s. 11. *Amended.*

11. The Deputy Minister of Health, the district officers of health, the Provincial Sanitary Inspectors in unorganized areas and any other officer of the Department specially authorized for the purpose shall possess all the powers conferred upon a medical officer of health and the officers of a local board by this Act or by the regulations. R.S.O. 1914, c. 218, s. 12. *Amended.*

12.—(1) The Lieutenant-Governor in Council may divide the province for the purposes of this section into not more than ten health districts, and may appoint a legally qualified

medical practitioner to be known as the district officer of health for each such district. R.S.O. 1914, c. 218, s. 13 (1). *Amended.*

*Salaries,
etc., of
district
officers of
health.*

(2) Every district officer of health shall be paid such salary as may be fixed by the Lieutenant-Governor in Council, and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses shall be payable out of such sums as may be appropriated by the Legislature for that purpose. 1918, c. 41, s. 2.

*District
officers of
health,
duties of.*

(3) Every district officer of health shall within his district be the official representative of the Department of Health, and subject to the approval of the Minister or the Deputy Minister he shall have general control of statutory organization for public health. He shall further, for the promotion of public health and for the protection of the inhabitants from communicable disease have authority, subject to the approval of the Minister to enforce the provisions of this Act and the regulations and he shall be responsible through the local medical officer of health for the enforcement of this Act and the regulations. He shall also have for the further effective carrying out of this Act and regulations all the powers and rights and authority to perform all the functions and duties of the local medical officer of health or the sanitary inspector under this Act. *New.*

*May act in
other
districts.*

(4) Whenever required so to do by the Department, a district officer of health shall have the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed.

*To act under
Department.*

(5) Every district officer of health shall act under the supervision and control of the Department, and shall report to it at least monthly, and at such other times as may be required, and shall in such report give such information as may be required by the Department or by the regulations. R.S.O. 1914, c. 218, s. 13 (8, 9). *Amended.*

*Enforce-
ment of
sanitary
by-laws.*

(6) The Department, every district officer of health and inspector, and every medical officer of health and sanitary inspector shall have authority to enforce the by-law set out in Schedule B, or any amendment thereof approved by the Department, and any by-law respecting the milk supply of, and any other by-law respecting sanitary matters in a municipality, and for this purpose may institute proceedings for the prosecution of offenders against any of the said by-laws. 1916, c. 51, s. 2. *Amended.*

(7) A district officer of health shall have the authority to summon a special meeting of a local board of health for public health purposes. *New.*

LOCAL BOARDS OF HEALTH.

13.—(1) There shall be a local board of health for every ^{Local} boards municipality in Ontario.

(2) In a city, and in every town having a population of ^{In cities and} 4,000 or over, according to the enumeration of the assessors ^{in towns of 4,000 or over} for the last preceding year, the local board shall consist of the mayor, the medical officer of health, and three resident ratepayers to be appointed annually by the council at its first meeting in every year.

(3) In a town having a population of less than 4,000, ^{In towns of less than 4,000, vil-} according to such enumeration, and in every other muni- ^{fages and} ^{townships,} cipality, the local board shall consist of the head of the muni- cipality, the medical officer of health, and one resident rate- payer to be appointed as provided by subsection 2.

(4) There shall be a secretary of the local board, and, unless ^{Secretary.} otherwise provided by the council, the clerk shall be the secretary. R.S.O. 1914, c. 218, s. 14.

14. Every local board shall be a corporation by the name ^{Corporation} ^{name.} of "The Local Board of Health of the City (or as the case may be) of ^{" (inserting the name of the muni-} cipality). R.S.O. 1914, c. 218, s. 15.

15.—(1) A local board shall hold at least four meetings ^{Meetings.} in each year at a time and place to be fixed by resolution of the board, and such other meetings as may be prescribed by the regulations, or be required by the Board.

(2) At the first meeting of a local board in every year, ^{Chairman} which shall be held not later than the 1st day of February, the board shall elect one of its members to be chairman R.S.O. 1914, c. 218, s. 16.

16. Any member of a local board may call a special meet- ^{Special} ^{meetings.} ing thereof at any time by giving notice in writing to the secretary and to the remaining members of the board. R.S.O. 1914, c. 218, s. 17.

17. The clerk of the municipality shall report to the ^{Secretary} ^{to report} Department the names and addresses of the members of ^{on or before} ^{the 1st day of} the local board in each year, on or before the 1st day of ^{Department.}

February, and he shall so report any change occurring during the year in the membership of the board. R.S.O. 1914, c. 218, s. 18. *Amended.*

Vacancies
in board.

18. Whenever a vacancy occurs in any local board of a city or town by the death, resignation or removal of an appointed member the council shall, at its first meeting after such vacancy occurs, appoint a resident ratepayer to fill the same, and in default of such appointment the Department may appoint a resident ratepayer of the municipality to fill the vacancy. R.S.O. 1914, c. 218, s. 19. *Amended.*

Quorum.

19. A majority of the members of a local board shall form a quorum. R.S.O. 1914, c. 218, s. 20.

Payment
of local
boards in
townships.

20. The council of a township may by by-law provide for the payment to each member of the local board and to the secretary of a sum not exceeding \$4 for every attendance at meetings of the board and his necessary travelling expenses in going to and returning from such meetings. 1921, c. 74, s. 2.

Payment
of accounts
certified by
board.

21. The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out the provisions of this Act or the regulations, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer. R.S.O. 1914, c. 218, s. 22.

Recording
proceedings.

22.—(1) The proceedings of every local board shall be recorded by the secretary in a book to be kept for that purpose.

Annual
report.

(2) The secretary shall annually, on or before the 15th day of December, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Local re-
ports to be
transmitted
to Deputy
Minister.

(3) The report as adopted by the local board shall include the annual report of the medical officer of health and shall be transmitted to the Deputy Minister of Health. R.S.O. 1914, c. 218, s. 23. *Amended.*

Weekly
report to
Department.

23. The secretary of every local board shall report weekly to the Department the number of cases and deaths from communicable diseases, and the number of deaths from all other causes, occurring in the municipality during the preceding week, upon a form to be supplied by the Department. R.S.O. 1914, c. 218, s. 24. *Amended.*

24.—(1) Whenever a local board has authority to direct that any matter or thing shall be done by any person, the board may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof by action in any court of competent jurisdiction, or the board may direct that the same be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. R.S.O. 1914, c. 218, s. 25 (1).

(2) Where a local board in a city or in any town, village, police village or township bordering on or situate within ten miles of a city having a population of not less than 200,000 in which a sewerage system has been established, recommends that sanitary conveniences should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may install suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. R.S.O. 1914, c. 218, s. 25 (2); 1918, c. 41, s. 3; 1924, c. 68, s. 2; 1925, c. 69, s. 2. *Amended.*

(3) A certificate from the clerk of the municipality setting forth the cost of the said conveniences and a description of the lands upon which the same were made shall be registered in the proper registry or land titles office against the said lands on proper proof by affidavit of the signature of the said clerk and upon payment in full of the cost of the said conveniences a like certificate from the city clerk shall be registered and the lands shall thereupon be freed from all liability with reference thereto. 1919, c. 62, s. 1.

25.—(1) Where an action is brought against a local board or any member, officer or employee of a local board by any person who has suffered any damage by reason of any act or default on the part of such local board or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action, and may pay any damages or costs for which such board or the member, officer or employee is liable in respect of such act or default.

But not for contractors.

(2) In this section the word "employee" shall not include a contractor with the local board. R.S.O. 1914, c. 218, s. 26.

Duty of local board as to carrying out Act and regulations.

26. It shall be the duty of a local board to superintend and see to the carrying out of the provisions of this Act and of the regulations, or of any by-law of the municipality pertaining to public health and to execute, do, and provide all such acts, matters and things as are necessary for that purpose. R.S.O. 1914, c. 218, s. 27. *Amended.*

Complaints as to nuisances.

27. Where information is given in writing to the local board by any resident householder of the existence of a nuisance or unsanitary condition in the municipality, the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act or by the regulations to abate or remedy the same. R.S.O. 1914, c. 218, s. 28. *Amended.*

Cleansing and disinfecting houses, etc.

28.—(1) Where a medical officer of health is of opinion that the disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the sanitary inspector or otherwise, at the cost and charge of the municipality, disinfect such house or part thereof and the articles therein contained. R.S.O. 1914, c. 218, s. 29; 1918, c. 41, s. 4.

Disinfecting, etc., of premises.

(2) The disinfecting, renovating and cleansing of houses and premises shall be carried on in accordance with the regulations. 1918, c. 41, s. 4.

Ambulance.

29. A local board may provide, maintain or hire an ambulance or carriage for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place. R.S.O. 1914, c. 218, s. 30.

Disinfecting apparatus.

30. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles which have become infected, and may cause such articles to be disinfected free of charge or may make a reasonable charge for disinfecting them. R.S.O. 1914, c. 218, s. 31.

Destruction of infected articles.

31. A local board may direct the destruction of any furniture, bedding, clothing or other articles which have been exposed to infection, and may give compensation therefor. R.S.O. 1914, c. 218, s. 32.

32. In any municipality the local board may provide such ^{Medical inspection.} dental and medical inspection of the pupils of all public and separate schools as the regulations under *The Department of Education Act* may prescribe, and, in the absence of such regulations, as the local board may deem proper, and may ^{Rev. Stat., c. 265.} execute, do and provide all such acts, matters and things as may be found necessary from such inspection. 1917, c. 51, s. 1; 1918, c. 41, s. 5. *Amended.*

33. Where the order of a local board or medical officer of health involves an expenditure of more than \$1,000, the person ^{Appeal to county judge from order of board.} against whom the order is made, or any person chargeable with such expenditure or any part thereof, may, within four days after being served with a copy of such order, appeal therefrom to the judge of the county or district court who shall have power to vary or rescind the order, and any order so varied may be enforced by the Department in the same manner as an order originally made by the board or a medical officer of health. R.S.O. 1914, c. 218, s. 33. *Amended.*

34.—(1) Where a local board of health has not been established as required by this Act, or where a local board of health or any officer thereof has in the opinion of the Minister refused or neglected to act with sufficient promptness or efficiency in carrying out the provisions of this Act or any order or regulation of the Department, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct an officer of the Department to carry out such measures as are authorized by this Act, or by any order or regulation made thereunder. ^{Powers of Minister on default of local authorities.}

(2) The expenses so incurred shall be certified by the Minister, and shall be a debt due by the corporation of the municipality, and upon presentation of such certificate the treasurer of the municipality shall pay the same. R.S.O. 1914, c. 218, s. 34 (1, 2). *Amended.* ^{Liability for payments of expenses.}

(3) The corporation of the municipality whose treasurer shall pay the expenses so incurred as provided by subsection 2 may recover the amount so paid by action in any court of competent jurisdiction against the person certified in writing by the Minister to have been in default, or the council of the corporation of the said municipality may direct the amount of such expenses to be added by the clerk of the municipality to the collector's roll and collected from the person so certified to be in default in like manner as municipal taxes. 1914, c. 21, s. 46. *Amended.* ^{Recovery of expenses of carrying out orders of Department.}

MEDICAL OFFICERS OF HEALTH.

Medical officers of health and sanitary inspectors, appointment.

35.—(1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the regulations. R.S.O. 1914, c. 218, s. 35(1). *Amended.*

By Lieutenant-Governor in Council in case of default.

(2) Where the council refuses or neglects to make any of such appointments, or to fill any vacancy, the Department shall, by registered letter addressed to the clerk of the municipality, require the council to make the appointment or to fill the vacancy forthwith, and if the council continues in default for five days after the receipt of such letter the Lieutenant-Governor in Council, upon the recommendation of the Minister, may make the appointment or fill the vacancy. R.S.O. 1914, c. 218, s. 35 (2). *Amended.*

Assistant medical officers, appointment.

(3) The council of a city having a population of 100,000 or over may appoint an assistant medical officer of health, or more than one assistant medical officer of health, who shall act under the direction of the medical officer of health, and while so acting shall have all the powers and perform the same duties as the medical officer of health.

Medical officers for townships.

(4) The council of a township, with the approval of the Department, may appoint for any stipulated time more than one medical officer of health for the township and may limit the territory within which each of such officers shall act, and every such medical officer of health shall, within the territory for which he is appointed, have and perform the powers and duties of a medical officer of health as set out in this Act or in any by-law passed thereunder and in force in the municipality. 1921, c. 74, s. 3. *Amended.*

Appointment of nurses and physicians by council or local Board.

(5) The council of a city, town, township or village or a local board of health may appoint one or more public health nurses, and one or more duly qualified physicians and engage such other services as may, in the opinion of the council or local board be required for carrying out the provisions of this or any other Act administered by the Department of Public Health or the regulations made thereunder for the prevention or treatment of disease. 1922, c. 88, s. 2.

(6) The council of a town, township or village, or the Appoint-
local board of health of the same may unite with the council <sup>nurse by
one or more
municipalities.</sup> or councils or boards of health of one or more neighbouring municipalities for the purpose of appointing, employing and paying one or more public health nurses for the promotion of the public health and the prevention or treatment of disease; such appointments shall be eligible for grants in respect of the same as may be provided by the regulations. *New.*

36. Every sanitary inspector appointed by the council <sup>Tenure of
office.</sup> shall hold office during the pleasure of the council, and if appointed by the Lieutenant-Governor in Council shall hold office until the 1st day of February in the year following that of his appointment. R.S.O. 1914, c. 218, s. 36.

37.—(1) Every medical officer of health appointed by the ^{Dismissal} council shall hold office during good behaviour and his residence in the municipality, or in an adjoining municipality, and, if appointed by the Lieutenant-Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister before whom cause shall be shown for the dismissal. R.S.O. 1914, c. 218, s. 37. *Amended.*

(2) A medical officer of health who refuses or neglects to <sup>Dismissal of
M.O.H. for
neglect of
duty.</sup> carry out the provisions of this Act or the regulations, or any special order of the Department, or any by-law of the municipality relating to sanitary matters, may be dismissed from office by the Department or by the municipal corporation on the recommendation of the Department. 1916, c. 51, s. 3.

(3) It shall be the duty of the Medical Officer of Health to <sup>Annual
inspection
of schools
by M.O.H.</sup> make a sanitary inspection of all schools in his municipality annually and to make a report to the Department regarding the same, using forms supplied by the Department for that purpose. *New.*

38. The medical officer of health shall be the executive <sup>M.O.H. to
be executive
officer of
board.</sup> officer of the local board, and with the local board shall be responsible for the carrying out of the provisions of this Act, and of the regulations, and of the public health or sanitary by-laws of the municipality. R.S.O. 1914, c. 218, s. 38. *Amended.*

Salaries of
medical
officers of
health.

39. Every medical officer of health, whether appointed by the council or by the Lieutenant-Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by by-law, and such salary shall be his total remuneration for his services as medical officer of health. R.S.O. 1914, c. 218, s. 39. *Amended.*

Payment of
sanitary
inspectors.

40. Sanitary inspectors shall be paid such annual sum as may be determined by the council of the municipality. R.S.O. 1914, c. 218, s. 40.

Vacancy in
office of
M.O.H.

41.—(1) Where a vacancy occurs in the office of medical officer of health, the council shall forthwith nominate another medical officer of health in his stead who shall be approved by the Minister as hereinbefore provided. R.S.O. 1914, c. 218, s. 41. *Amended.*

Temporary
absence of
M.O.H.

(2) When the medical officer of health is absent from the Province for a protracted period the council may, with the written approval of the Department, appoint a legally qualified medical practitioner to be acting medical officer of health during such absence, and such acting medical officer of health shall have, during the absence of the medical officer of health, all the powers, and perform all the duties of the medical officer of health. 1918, c. 41, s. 6. *Amended.*

Annual
conference.

42.—(1) There shall be an annual conference of all the medical officers of health, and it shall be the duty of every medical officer of health to attend the same.

Expenses of
attendance.

(2) The expenses of the attendance of each medical officer of health shall be borne by the corporation of the municipality, and shall be payable in addition to his salary on the certificate of the Deputy Minister.

Time and
place of
holding.

(3) The conference shall be held at such time and place as may be determined by the Department. R.S.O. 1914, c. 218, s. 42. *Amended.*

ISOLATION HOSPITALS.

Establish-
ment.

43.—(1) The corporation of a municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease.

Municipali-
ties may
join in
establishing.

(2) The corporations of two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital.

(3) A corporation may borrow money by the issue of debentures for the purposes mentioned in subsections 1 or 2, and it shall not be necessary to obtain the assent of the electors to any by-law for raising money for such purpose. Issue of debentures.

(4) Debentures issued under this section shall be payable when payable, within twenty years from the date of the issue thereof.

(5) Any such hospital may be established in a municipality Where to be established. or in one of the municipalities providing for the same or in an adjoining municipality.

(6) The powers conferred by this section shall be subject Subject to sections 44-48. to the provisions of sections 44 to 48, but an isolation hospital shall not be established, maintained or kept by a municipal corporation upon lands in another municipality which were selected, purchased or contracted for, or upon which the corporation had secured an option before the 1st day of January, 1912, and upon which an isolation hospital had not before that date been erected, without the consent of the council of the municipality in which such lands are situate, and unless such consent had been obtained before the 16th day of May, 1912, such land shall not be used for that purpose. R.S.O. 1914, c. 218, s. 43.

44. No such isolation hospital and, except as provided by *The Sanatoria for Consumptives Act*, no sanatorium, institution or place for the reception, care, or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. Permission for establishment of isolation hospitals and consumption hospitals. Rev. Stat., c. 298. R.S.O. 1914, c. 218, s. 44.

45.—(1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality, shall make application in writing to the local board of health of such municipality for permission to do so. Application to local board.

(2) The local board shall give notice of the application Notice of meeting. and of the meeting at which the same will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in an adjoining municipality.

(3) The local board shall take such application into consideration at its next general meeting after the last publication Consideration of application. of such notice, or at a special meeting to be called for the purpose within one month after that date. Notice.

Hearing and decision.

(4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not such application shall be granted.

Refusal of permission.

(5) If the local board determines not to grant such permission, notice in writing of their decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the sheriff of the county or district in which the municipality is situate, and the Deputy Minister.

Notice of appeal.

(6) The appeal shall be by notice in writing addressed to the Deputy Minister, and sent by registered post to him within seven days after the receipt of notice of the decision of the local board.

Notice of hearing of appeal.

(7) The Deputy Minister shall appoint a time and place for the consideration of the appeal, and at least seven days' notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant, and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if there is no such newspaper, in a newspaper published in the county or district town of the county or district in which such municipality is situate.

Hearing of appeal.

(8) The board of appeal shall hold a sitting at such time and place and shall hear what may be alleged for and against such appeal on behalf of the applicant and the local board of health or any ratepayer of the municipality who may object to the granting of such permission.

View of locality.

(9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board may deem necessary.

Decision of board of appeal.

(10) The decision of the board of appeal or a majority of the members thereof shall be given in writing and shall be final.

Fees of board of appeal.

(11) Each of the members of the board of appeal shall be entitled to a fee of \$10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses, and the same and any other costs and expenses incurred in hearing the appeal

shall

shall be payable by the appellant upon the written order of the Minister to the persons entitled thereto.

(12) Nothing in this section or in section 44 contained Sections 44
shall apply to any public general hospital in which persons and 45 not
suffering from other diseases as well as persons suffering certain
from consumption or tuberculosis are received and treated.
R.S.O. 1914, c. 218, s. 45. *Amended.*

46. Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution, or place or who takes part in the superintendence or management thereof, until permission has been given as provided by the next preceding section, shall incur a penalty not exceeding \$25 for every day on which such offence is continued. R.S.O. 1914, c. 218, s. 46.

47.—(1) No isolation hospital shall be established by the corporation of any municipality until the plans and the proposed equipment thereof shall have been submitted to and approved by the Department.

(2) Every municipal corporation establishing such an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as may be directed by the Department. R.S.O. 1914, c. 218, s. 47. *Amended.*

48. Subject to the regulations the local board of the municipality, by the corporation of which an isolation hospital is established, shall have the management and control of it, and of the conduct of the physicians, nurses, attendants and patients. R.S.O. 1914, c. 218, s. 48.

EMERGENCY HOSPITALS.

49. Where any communicable disease, to which this section is by the regulations made applicable, becomes prevalent in a municipality, and the municipal corporation has not already provided proper hospital accommodation for such cases, the medical officer of health of a local board shall immediately provide, at the cost of such corporation, such a temporary hospital, hospital tent, or other place or places of reception for the sick and infected as may be deemed best for their accommodation and the safety of the inhabitants, and for that purpose may,—

(a) erect such hospital, hospital tent, or place of reception;

(b)

- (b) contract for the use of any existing hospital, hospital tent, or place of reception; or,
- (c) enter into an agreement with any person having the management of any such hospital, subject to the approval of the medical officer of health of the local municipality in which such hospital is situate, for the reception and care of persons suffering from such communicable disease, and for the payment of such remuneration therefor as may be agreed upon.
R.S.O. 1914, c. 218, s. 49.

ACQUIRING LAND*

Case of emergency.

50.—(1) Where an outbreak of any of the diseases, to which the next preceding section applies, occurs or is apprehended, the local board of health may enter upon and take and use for the purposes mentioned in that section any land or unoccupied building without prior agreement with the owner of the same and without his consent, and may retain the same for such period as may appear to the board to be necessary.

Notice to clerk of local municipality.

(2) Written notice, Schedule A shall, within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate; such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise.

Notice to owner where one of the consenting party.

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner.

Where owner or his address is unknown.

(4) If the owner is not known, or is not a resident in Ontario, or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of some local newspaper having a circulation within the municipality where the property is situate, and shall send by registered post to the last known address, if any, of the owner a copy of the notice, and such publication shall be sufficient notice to the owner.

Compensation.

(5) The owner shall be entitled to compensation from the corporation of the municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner; and in case they do not agree, the judge of the county or district court of the county or dis-

trict in which the property is situate shall summarily determine the amount of the compensation, and the terms of payment, in such manner and after giving such notice as he sees fit. R.S.O. 1914, c. 218, s. 50.

51. Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the judge of the county or district court may, without notice to any person, issue his warrant to the sheriff of the county or district, or to any other person, as he may deem most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do. Order for possession.
R.S.O. 1914, c. 218, s. 51.

MEDICAL CARE OF INDIGENTS.

52.—(1) The corporation of every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance upon and care of persons suffering from the result of injury or disease who, in the opinion of the head of the municipality or of its relief officer, if any, are unable through poverty to pay for the necessary attendance, and who are not cared for in a public or private hospital. Municipal corporation to provide for medical attendance for indigent persons.

(2) This section shall not impose any duty on the medical officer of health in respect to such cases, unless an agreement has been entered into with him, as provided in subsection 1. M.O.H. need not act unless remunerated.
R.S.O. 1914, c. 218, s. 52 (1, 2).

(3) Failing the making of any other agreement the medical officer of health shall be deemed to be indigent medical officer of health for the municipality and shall be remunerated for his service as indigent medical officer, according to the provisions of the next succeeding subsection. *New.* In absence of agreement M.O.H. to be deemed indigent M.O.H.

(4) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. R.S.O. 1914, for remuneration. Agreement to provide for remuneration.
c. 218, s. 52 (3).

53.—(1) Where a medical officer of health claims that the salary paid to him by a municipal corporation or the remuneration provided for under section 52 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipal corporation, and the council of the corporation neglects to comply with such demand, or directs the serving upon the medical officer of Disputes as to remuneration of M.O.H., application to county judge.

health of a notice disputing such a claim, the medical officer of health, after the expiration of ten days from the receipt of such claim by the clerk of such corporation, may apply in a summary manner to the judge of the county or district court of the county or district within which the municipality lies, for an order allowing his claim and fixing the amount payable to him as salary under section 39 or as remuneration under section 52, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he may deem just, and in and by such order shall settle and determine the salary properly payable to such medical officer of health, and a fair and reasonable remuneration under section 52.

Time for making application. (2) If such application is not made by the medical officer of health within thirty days after receiving notice from the corporation disputing his claim, he shall be deemed to have abandoned the same.

Powers of judge. (3) The judge, upon the application, shall take into consideration all the circumstances of the case, and amongst other matters the physical extent, population and assessment of the municipality.

Application of 1926, c. 26. (4) *The Judges' Orders Enforcement Act* shall apply to every application or order made under this section. 1918, c. 41, s. 7.

PROVISIONS AS TO COMMUNICABLE DISEASE.

Communicable diseases. *Notice by householder.* **54.**—(1) Whenever any householder knows or has reason to suspect that any person within his family or household, or boarding or lodging with him, has any communicable disease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health.

How given. (2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter addressed to either of them and mailed within the time above specified, and the secretary of the local board shall forthwith transmit to the medical officer of health notice of each case of communicable disease reported to him. R.S.O. 1914, c. 218, s. 53. *Amended.*

Notice of communicable disease to be included in weekly report. (3) Every such notice filed with the medical officer of health shall be transmitted forthwith by him to the secretary of the local board of health, and shall be included in the weekly report required to be sent to the Department under section 23. 1916, c. 51, s. 4.

55.—(1) No householder, in whose dwelling there occurs any communicable disease, shall permit any person suffering from or exposed to such disease to leave, or any clothing or other property to be removed from his house without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof. R.S.O. 1914, c. 218, s. 54; 1918, c. 41, s. 8, *part*.

(2) Every person in a house when a communicable disease exists therein, and every person who during the period of quarantine enters such house, shall be deemed to be exposed to the disease.

(3) It shall be the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife, and everyone in charge of a maternity hospital, every householder, and everyone in charge of a child, to see that such requirements as may be prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes. 1918, c. 41, s. 8, *part*.

56.—(1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which such diseased person is.

(2) This section shall apply to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease. R.S.O. 1914, c. 218, s. 55.

57.—(1) Where any communicable disease is found or suspected to exist in any municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion by such means as in their judgment is most effective for the public safety.

(2) The medical officer of health or local board, when it is considered necessary to prevent the spread of any communicable disease, may direct that any school or seminary of learning, or any church, or public hall or other place used for public gatherings or entertainment in the municipality shall be closed, and may prohibit all public assemblies in the municipality; and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor re-opened without the permission of the medical officer of health. R.S.O. 1914, c. 218, s. 56. *Amended.*

Isolation of patient.

58. The medical officer of health, or the local board, or a committee thereof, shall isolate any person having any communicable disease, to which this section is by the regulations made applicable, and shall forthwith cause to be posted up on or near the door of the house or dwelling, in which any such person is, a notice stating that such disease is within the house or dwelling. R.S.O. 1914, c. 218, s. 57.

Of infected persons

59.—(1) If any person coming from abroad, or residing in any municipality within Ontario, is infected, or has recently been infected with, or exposed to, any communicable disease to which this section is by the regulations made applicable, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessities for him.

of C.C.

(2) The corporation of the municipality shall be entitled to recover from such person the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessities for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him. R.S.O. 1914, c. 218, s. 58.

[NOTE.—See section 28 as to disinfecting houses and articles therein].

Recovery of expense incurred through neglect or refusal to carry out

60. Where, owing to the refusal or neglect of the medical officer of health, the local board or the corporation of any municipality, any communicable disease is brought into another municipality, the corporation of which incurs expense in preventing the spread of such communicable disease, the corporation of the municipality in default shall pay to the corporation of the municipality incurring such expense the whole amount thereof, and the same shall be recoverable as a debt in any court of competent jurisdiction. R.S.O. 1914, c. 218, s. 59.

of C.C.

61. No person suffering from any communicable disease, to which this section is by the regulations made applicable, shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house in which there exists any such communicable disease change his residence to any other place without the consent of the medical officer of health, or without complying with such conditions as he may prescribe. R.S.O. 1914, c. 218, s. 60.

Power to enter premises.

62. The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that

purpose, may enter in and upon any house, out-house or premises, in the day time, for the purpose of making enquiry and examination with respect to the state of health of any person therein, and cause any person found therein, who is infected with any communicable disease, to be removed to a hospital or some other proper place. R.S.O. 1914, c. 218, s. 61.

63.—(1) Where there is any reason to suspect that any person suffering from a communicable disease to which this section is by the regulations made applicable, is in or upon any railway car, street railway car, steamboat, vessel, stage, or other conveyance, the medical officer of health or sanitary inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on, or in, or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it; and his authority shall continue in respect of such person and conveyance notwithstanding that the conveyance is taken into another municipality.

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection shall be paid by the owner of the conveyance in which such person is found.

(3) Any legally qualified medical practitioner or sanitary inspector authorized by the Department shall have the same authority as a medical officer of health under this section. R.S.O. 1914, c. 218, s. 62. *Amended.*

64. Where any communicable disease is reported or discovered in a dwelling house or out-house occupied as a dwelling, and such house or out-house is in a filthy and neglected state, the medical officer of health may, at the expense of the corporation of the municipality, compel the inhabitants of such dwelling house or out-house to remove therefrom, and may place them in sheds or tents, or other proper shelter, in some more suitable situation, until measures can be taken, under the direction and at the expense of the municipal corporation, for the immediate cleansing, ventilation, purification and disinfection of such dwelling-house or out-house. R.S.O. 1914, c. 218, s. 63.

65. No person recovering from any communicable disease, to which this section is by the regulations made applicable, and no nurse who has been in attendance on any such person, shall

Entering and
disinfecting
public con-
veyances.

Payment by
owner of
conveyance.

Authority
given by
Department.

Removal of
persons from
unsanitary
dwellings.

Pati ents and
houses,
Precautions
as to
disinfection.

shall leave the premises or expose himself in any public place, street, shop, inn or public conveyance until he has received from the medical officer of health a certificate that in his opinion such person or nurse has taken such precautions as to his person, clothing and all other things which he proposes to bring from the premises as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. R.S.O. 1914, c. 218, s. 64.

Measures prescribed by Department.

66. Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as may be prescribed by the regulations or by the medical officer of health. R.S.O. 1914, c. 218, s. 65.

Sanitary precautions before mingling with public.

67. No person suffering from or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so, until such sanitary precautions as may be prescribed by the medical officer of health have been complied with. R.S.O. 1914, c. 218, s. 66.

Notice to be given before using public conveyances.

68.—(1) No person suffering from, or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall expose himself, nor shall any person expose any one under his charge, who is so suffering from any such disease, in any railway car, street railway car, steamboat, vessel, stage or other conveyance, without having previously notified the owner or person in charge of such conveyance of the fact of his having such disease.

Conveyance to be disinfected.

(2) The owner or person in charge of any such conveyance shall not, after the entry of any infected person into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the medical officer of health or sanitary inspector. R.S.O. 1914, c. 218, s. 67.

Bedding, clothing, etc.

69. No person shall give, lend, transmit, sell or expose any bedding, clothing, or other article likely to convey any communicable disease, without having first taken such precautions as the medical officer of health may direct for removing all danger of communicating such disease to others. R.S.O. 1914, c. 218, s. 68.

70. No person shall let or hire, or permit to be occupied, <sup>Disinfection
of houses,
etc.</sup> any house or room in a house in which any communicable disease has recently existed without having caused the house and premises used in connection therewith to be disinfected to the satisfaction of the medical officer of health, and, for the purposes of this section, the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or house. R.S.O. 1914, c. 218, s. 69.

71. No person letting for hire, or showing for the purpose <sup>False state-
ments of
persons
renting or
showing
houses.</sup> of letting for hire any house or part of a house, on being questioned by any person, negotiating for the hire of such house, or part of a house, as to the fact of there previously having been therein any person, animal or thing suffering from or liable to be infected by any communicable disease, shall knowingly make a false answer to such question. R.S.O. 1914, c. 218, s. 70.

72.—(1) No common carrier shall knowingly accept for <sup>Transporta-
tion of
infected
persons.</sup> transportation or carry within Ontario, except under and subject to the regulations, any person suffering from any communicable disease, to which this section is by the regulations made applicable, or any infected article or articles of clothing, bedding or other property whatsoever.

(2) No carrier shall knowingly accept for transportation or ^{Corpses.} carry within Ontario the body of any person who has died of any communicable disease, except under and subject to the regulations.

(3) Every person contravening the provisions of subsection ^{Penalty.} 1 or of subsection 2 shall incur a penalty of \$100. R.S.O. 1914, c. 218, s. 71.

73.—(1) Whenever a communicable disease exists in any <sup>School at-
tendance
from houses
in which
communic-
able disease
exist.</sup> house or household in which there is a person who is a student or pupil in, or a teacher, or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease; and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so.

(2) Whenever a local board of health, or any of its officers <sup>Duty of
local board
and teacher.</sup> or members, are aware of the existence in any house of any

communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher, or in any other capacity, and none of such last mentioned persons shall after such notice be permitted to attend, or be employed or be in or about such institution, until the certificate mentioned in subsection 1 is obtained and presented.

Teacher to give notice of cases in homes of pupils.

(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such institution, is suffering from a communicable disease, or that there exists in any household of which he is a member any communicable disease, such first mentioned person shall notify the medical officer of health thereof, and shall not permit the attendance of the person suffering from such disease if under his direction or control until the medical officer of health certifies that such attendance may be safely allowed.

Pupil not to attend within minimum time fixed by regulations.

(4) No student or pupil having suffered from a communicable disease shall be allowed to attend any such institution of learning within the minimum period prescribed by the regulations.

Boarding schools.

(5) Whenever a communicable disease exists in any boarding school or other institution in which pupils are received for tuition, and boarded or lodged, the head of the institution, or the person in charge thereof, shall immediately isolate the person suffering from such disease and any person in attendance upon him, and, within twelve hours after the disease is known to exist, shall notify the medical officer of health, and shall not permit the person so suffering or any person in attendance upon him to mingle with the other pupils or inmates of the institution until the medical officer of health has certified that he may safely do so. R.S.O. 1914, c. 218, s. 72.

NUISANCES.

Removal, Abatement, etc.

Nuisances, what to be deemed.

74. Any condition existing in any locality which is or may become injurious or dangerous to health or prevent or hinder in any manner the suppression of disease shall be deemed a nuisance within the meaning of this Act. R.S.O. 1914, c. 218, s. 73.

75. Without restricting the general application of the next preceding section and for greater particularity it is declared that the following shall be deemed nuisances within the meaning of this Act:

- (a) Any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health;
- (b) Any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cesspool, drain, dung pit or ash pit, so foul or in such a state, or so situated as to be injurious or dangerous to health;
- (c) Any well, spring or other water supply injurious or dangerous to health;
- (d) Any stable, byre or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health;
- (e) Any accumulation or deposit of refuse, wherever situated, which is injurious or dangerous to health;
- (f) Any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or waggons at any station or siding or elsewhere so as to be injurious or dangerous to health;
- (g) Any work, manufactory, trade or business so situated as to be injurious or dangerous to health;
- (h) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient airspace is allowed for each inmate to comply with the regulations;
- (i) Any school house, public or private, factory, shop or other building, which is not in a cleanly state or free from effluvia arising from any drain, privy, water or earth closet, urinal or other nuisance; or is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein which are injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of those employed or being therein;

Smoke from furnaces.

(j) Any fireplace or furnace the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines, or used in any mill, factory, dye-house, brewery, bakehouse or gas works, or in any manufacturing or trade process whatever;

From chimneys.

(k) Any chimney emitting smoke in such quantity as to be injurious or dangerous to health;

Offensive or dangerous burying grounds.

(l) Any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health. R.S.O. 1914, c. 218, s. 74.

Inspection of municipality.

76. The medical officer of health of any municipality or any inspector or other person in the employ of the local board acting under his instructions, or any member of a local board may enter, inspect and examine at any time of the day or night, as often as he thinks necessary, any premises within the municipality for the purpose of carrying out the provisions of this Act, and may take such action as he deems necessary for carrying out the said provisions, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as may be necessary to make such inspection or examination. 1916, c. 51, s. 5. *Part.*

Duty of medical health officer.

77.—(1) Every medical officer of health shall see that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

Examination of premises and order for cleansing.

(2) If upon such examination he finds any premises in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the same, and to remove or destroy what is so found therein. 1916, c. 51, s. 5. *Part.*

Where owner unknown or non-resident.

78. Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality, and the premises are unoccupied or the occupant is unable to remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. R.S.O. 1914, c. 218, s. 77.

Disposition of articles removed.

79. Where under the provisions of this Act, or of the regulations, or of any municipal by-law, a local board or any medical officer of health or sanitary inspector removes

anything

anything which is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. R.S.O. 1914, c. 218, s. 78.

80.—(1) Wherever the local board of health or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.

(2) Where the nuisance arises from the want or the defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner.

(3) Where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the corporation of the municipality. R.S.O. 1914, c. 218, s. 79.

81. Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place without the municipality, the local board of the municipality affected thereby shall cause an inspection to be made, and when necessary shall take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part any proceedings in relation to nuisances by this Act authorized with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. R.S.O. 1914, c. 218, s. 80.

82.—(1) If, on investigation by the local board, any nuisance is found to exist, and if after the board has required the removal or abatement of the same within a specified time, the board finds that default in removal or abatement has been made, and the case appears to the local board to involve the expenditure or loss of a considerable sum of money, or serious interference with any trade or industry, or other considerations of difficulty, the Department at the request of the local board may investigate and report upon the case.

*Application
to judge of
Supreme
Court.*

(2) If the report of the Department recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to a judge of the Supreme Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Department; and the judge may make such order upon the report of the Department or upon such further evidence as he may deem meet.

*Application
of 1926,
c. 26.*

(3) *The Judges' Orders Enforcement Act* shall apply to every order made by a judge under this section. R.S.O. 1914, c. 218, s. 81. *Amended.*

Expenses in Respect of Abatement of Nuisance.

*Where owner
or occupier
neglects to
abate.*

83.—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice, to abate the same, the medical officer of health or sanitary inspector may enter upon the premises and take such steps as may be necessary to abate the nuisance.

*Recovery of
expenses.*

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, but shall be recoverable from both the owner and the occupier for the time being of the premises.

*Collection
of expenses
as taxes.*

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses, and of the person by whom and the premises in respect of which the same are payable, shall be delivered to the clerk of the municipality who shall insert the amount in the collector's roll, and the same may be collected in like manner as municipal taxes.

*Occupier's
right to
deduct pay-
ment from
rent.*

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him which, as between him and the owner, the latter ought to pay, out of the rent then due or from time to time becoming due in respect of the premises.

*Limit of
amount re-
coverable
from
occupier.*

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes pay-

able by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom it is payable; and the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier. R.S.O. 1914, c. 218, s. 82.

When Application to Supreme Court Necessary.

84.—(1) No determination or order of the Department or of a local board for the removal or abatement of a nuisance shall be enforced except by order of a judge of the Supreme Court where such removal or abatement involves the loss or destruction of property to the value of \$2,000 or upwards.

(2) The order may be made upon the application of the Department or of the local board. R.S.O. 1914, c. 218, s. 83.

Amended.

OFFENSIVE TRADES.

85. Any person who without the consent of the local board or of the municipal council establishes any of the following trades or businesses or manufactures—

Blood boiling,
 Bone boiling,
 Refining coal oil,
 Extracting oil from fish,
 Storing hides,
 Soap boiling,
 Tallow melting,
 Tripe boiling,
 Slaughtering animals,
 Tanning hides or skins,
 Manufacturing gas,
 Manufacturing glue,
 Fertilizers from dead animals, from human or animal waste, or
 Any other trade, business or manufacture, which is or may become offensive, or which is by the regulations declared to be a noxious or offensive trade, business or manufacture

shall incur a penalty of not less than \$100 nor more than \$250, in respect of the establishment thereof, and a penalty of not less than \$20 for every day on which after notice in writing by the local board, or an officer thereof, to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect of the establishment thereof. R.S.O. 1914, c. 218, s. 84.

Storing rags,
bones, etc.

86.—(1) Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse within any municipality, except on premises approved of by the medical officer of health, shall incur a penalty of not less than \$10 nor more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence. R.S.O. 1914, c. 218, s. 85 (1).

Appeal to
Minister as
to storage
of rags, etc.

(2) In the event of such approval being refused by the medical officer of health, the applicant shall have the right of appeal from such refusal to the Minister, who shall cause the premises to be examined, and make such enquiries as he may consider desirable, and grant or refuse such approval, or make such order or direction as he may deem proper, which determination shall be final. 1915, c. 40, s. 1. *Amended.*

MEDICAL AND DENTAL INSPECTION IN SCHOOLS.

Boards to
provide for
medical and
dental
inspection.

87. Subject to any regulations made under *The Department of Education Act* the local board, upon such terms and conditions as may be agreed upon with any public or separate school board, shall provide medical and dental inspection for the pupils in the schools of the board and render such other services relating to the health and well-being of the pupils as any such regulation may require and as may be directed by the Minister of Health. 1924, c. 83, s. 4.

INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

Medical
Officer of
Health may
enter and
examine
lodging
houses, ten-
ments and
laundries.

88.—(1) The medical officer of health or any sanitary inspector acting under his instructions may, at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that the same are overcrowded or occupied by more persons than is reasonably safe for the health of the occupants.

When found
overcrowded
or unsani-
tary.

(2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants, and that the sleeping rooms are such that six hundred cubic feet of air space cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there which, in the opinion of the medical officer of health, founded on his own inspection or on the report of the sanitary inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the

premises

premises, or to remove that which causes the premises to be filthy or unclean, and put the rooms in a condition fit for human habitation. R.S.O. 1914, c. 218, s. 86.

89. Where, in the opinion of the medical officer of health, any premises are so situated, so constructed or so improperly lighted, or in any other respect of such a character or in such a condition as to be unfit for human habitation or dangerous to health, he may cause such premises to be closed, and may affix a notice thereon in a prominent place setting forth the reason for such closing, and that the premises are closed by order of the medical officer of health; and no person shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. R.S.O. 1914, c. 218, s. 87.

INSPECTION OF DAIRIES, CHEESE FACTORIES, DAIRY FARMS, ETC.

90. (1) The medical officer of health may make or cause to be made by a veterinary surgeon or other competent person a periodical inspection of all dairies, cheese factories, and creameries, dairy farms and slaughter houses, and if upon such examination he finds that the premises are in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may be injurious to or endanger the public health, he may order the owner or occupant of the premises to cleanse the same or to remove any such matter or thing. R.S.O. 1914, c. 218, s. 88.

(2) When the above named premises are used for the production of food which is offered for sale in another municipality the medical officer of health of the municipality where the food is offered for sale shall have authority to inspect such premises or to cause an inspection to be made. If upon such inspection he shall find a filthy or unclean state or that any matter or thing is there which in his opinion may be injurious to or endanger the public health he may prohibit food products from the aforementioned premises being offered for sale in the municipality for which he is medical officer of health and he shall warn the owners, occupiers or operators of the premises accordingly. Upon the violation of such prohibitory order after due warning the person violating the order may be summoned before a court of competent jurisdiction and upon conviction may be fined an amount not less than \$5 nor more than \$25 with the confiscation of all such products offered or exposed for sale in the municipality. *New.*

INSTALLATION OF PUBLIC WATER SUPPLY.

91.—(1) Whenever the council of any municipality or any municipal board or commission or any company or person contemplates

Plans to be submitted to Department.

contemplates the establishment of, or the extension of, or any change in an existing waterworks system, they shall submit the plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as may be deemed necessary to the Department, and no such works shall be undertaken or proceeded with until the source of supply and the proposed works have been approved by the Department.

*Department
may direct
change in
plans.*

(2) The Department, upon the application for such approval, may direct such changes to be made in the source of supply or in the plans submitted as it may deem necessary in the public interest. R.S.O. 1914, c. 218, s. 89. *Amended.*

*Department
to have
supervision
of streams,
etc.*

92.—(1) The Department shall have the general supervision of all springs, wells, ponds, lakes, streams or rivers used as a source for a public water supply or for agricultural, domestic or industrial purposes with reference to their purity, together with the waters feeding the same, and shall examine the same from time to time when the necessity for such examination arises, and inquire what, if any, pollution exists and the causes thereof. R.S.O. 1914, c. 218, s. 90; 1923, c. 52, s. 3.

*Inquiry by
Department
as to com-
plaints of
pollution of
waters.*

(2) The Department may inquire into and hear and determine any complaint made by or on behalf of a riparian proprietor entitled to the use of water, that any industrial waste or any other polluting material of any kind whatsoever which either by itself or in connection with other matter may corrupt or impair the quality of the water or may render such water unfit for accustomed or ordinary use has been placed in, or discharged into such water, or placed or deposited upon the ice thereof, or placed or suffered to remain upon the bank or shore thereof.

*Report of
Department*

(3) The Department may make a report upon such complaint and as to what remedial measures, if any, are required in respect to any alleged injury or invasion of right as it may deem just.

*Application
to Court on
report of
Department.*

(4) Where the report of the Department recommends the removal or degree of treatment of any such polluting material any riparian proprietor interested may apply to a judge of the Supreme Court or a county judge by way of originating notice according to the practice of the Court, for an order for the removal or abatement of the injury in terms of the report of the Department and to restrain the proprietors of the industry from carrying on the same, or the offending party or parties from continuing the acts complained of until the injury or invasion of right has been abated to the satisfaction of the Department.

(5) The judge may make such order upon the report of the Department or upon such further evidence as he may deem meet and on such terms and conditions as may be deemed proper. 1923, c. 52, s. 4. *Amended.*

93.—(1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof.

(2) The owners and officers of boats and other vessels plying upon any such lake, river, stream or other water shall so dispose of the garbage, excreta, manure, vegetable or animal matter or filth upon such boats or vessels as not to create a nuisance or enter or pollute such lake, river, stream or other water.

(3) Residents of a health resort or summer resort shall so dispose of garbage, excreta, manure, vegetable or animal matter or filth as not to create a nuisance or permit of its gaining entrance to or polluting any such lake, river, stream or other water.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty not exceeding \$100. R.S.O. 1914, c. 218, s. 91.

94. Water boards, water companies, water commissioners, the proper officers of any municipal corporation and any person making use as a source of water supply of any well or any other source within or partly within Ontario, and distributing the waters thereof for public, domestic or general uses, shall, from time to time, and whenever required by the Department, make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and any such water board, water company, water commissioner, officer or other person who shall, for the space of thirty days after being furnished with such forms, fail or neglect to make any such reports required shall incur a penalty of \$100. R.S.O. 1914, c. 218, s. 92; 1918, c. 41, s. 9. *Amended.*

95.—(1) No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind, which, either by itself or in connection with other matter, corrupts or impairs or may corrupt or impair the quality of the water of any source of public water supply for domestic use in any municipality, or which renders or may render such water injurious to health, shall be placed in or discharged into the waters, or placed or deposited upon the ice of any such source

of water supply, or be placed or suffered to remain upon the bank or shore of any such source of water supply near the place from which the supply of water for domestic use is obtained, nor within such distance thereof as may be considered unsafe by the Department after an examination thereof by a member or officer of the Department, nor shall anyone bathe or swim in the waters of any such sources of water supply within such area as may be fixed or defined by order of the Department. R.S.O. 1914, c. 218, s. 93 (1); 1920, c. 81, s. 5. *Amended.*

Penalty.

(2) Every person who contravenes any of the provisions of subsection 1 shall incur a penalty of not more than \$100 for each offence, and each week's continuance after notice by the Department or local board to discontinue the offence shall constitute a separate offence. R.S.O. 1914, c. 218, s. 93 (2). *Amended.*

SEWERAGE SYSTEM AND SEWAGE.

**Sewerage system.
Plans to be submitted.**

96.—(1) Whenever the construction of a common sewer or of a system of sewerage, or an extension of the same, is contemplated by the council of any municipality, the council shall first submit the plans and specifications of the work together with such other information as may be deemed necessary by the Department for its approval.

Department to inquire and report.

(2) The Department shall inquire into and report upon such sewer or system of sewerage, as to whether the same is calculated to meet the sanitary requirements of the inhabitants of the municipality, and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the municipality or of any other municipality liable to be affected thereby.

Amendment of plans at instance of Department.

(3) The Department may make any suggestion or amendment of the plans and specifications or may impose any condition with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as may be deemed necessary or advisable in the public interest.

Work not to be proceeded with until approved by Department.

(4) The construction of any common sewer or system of sewerage shall not be proceeded with until reported upon and approved by the Department, and no change in the construction thereof or in the disposal of sewage therefrom shall be made without the previous approval of the Department.

Modification, etc., of order.

(5) The Department may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by it, and the report or decision of the Department

shall

shall be final, and it shall be the duty of the municipal corporation and the officers thereof to give effect thereto.

(6) Whenever required by the Department, the clerk of every municipal corporation having, using, owning, leasing or controlling a sewerage system or sewage disposal plant shall make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and in case of default the clerk shall incur a penalty of \$100. R.S.O. 1914, c. 218, s. 94. *Amended.*

(7) The sewerage system or sewage disposal plant of an urban municipality may, with the approval of the Department, be continued into, or through, or be situate in an adjoining township municipality, but before approving of any such work the Department shall give notice to the clerk of the township and shall hear and consider any objections which the council of the township or the residents therein may make to the location of the works.

(8) When the approval of the Department has been obtained the corporation of the urban municipality may enter upon, take and use such lands in the township as may be necessary, and for that purpose shall have and may exercise the same powers within the township as it has within its own municipality, and paragraph 56 of section 399 of *The Municipal Act* and clauses *a* and *b* following the said paragraph shall not apply. 1914, c. 21, s. 47. *Amended.*

(9) The Department may withdraw, amend or vary any approval given by it under this section or any order or certificate made by it, and may approve of a different or other system of sewerage, sewage disposal or sewage disposal plant, or a different or other location of the same.

(10) Before acting under the provisions of subsection 9 the Department shall notify the clerk of the township municipality in which the system of sewerage is located or into or through which it is continued or in which it is proposed to locate the system of sewerage, or into or through which it is proposed to continue the same, or in which it is proposed to locate a sewage disposal plant, and the Department shall hear and consider any objections which the council of the township or any resident therein may make to the erection of the said work or any part thereof.

(11) Where the Department has made an order or report under the provisions of subsections 7 to 10, the corporation of the urban municipality before proceeding with the work,

shall apply to the Ontario Railway and Municipal Board, for an order prescribing the manner in which such work may be carried on, and notice of such application shall be given to the township municipality and to any resident therein whose property is, or may be, affected by the proposed works.

Powers of Railway and Municipal Board. (12) Upon such application the Ontario Railway and Municipal Board may make an order,

- (a) stopping up and closing any highway, road or road allowance, temporarily or permanently for the purpose of allowing the proposed work to be carried on; and vesting the same in the urban corporation, and providing for the opening of other roads, highways and road allowances for the use and convenience of the residents of the township municipality in lieu of the roads, highways and road allowances so stopped up and closed, and the provisions of section 86 of *The Registry Act* shall not apply;
- (b) imposing such terms and conditions upon the urban municipality with respect to the construction and operation of the proposed works as the said Board may deem just;
- (c) ordering that any buildings, restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person or corporation, in any lands in or through which it is proposed that a sewage disposal system may be constructed or continued, or where the site of the sewage disposal plant is proposed to be located, shall be terminated and shall be no longer operative or binding upon or against any person or persons, and direct that any such order be registered under the provisions of *The Registry Act*;
- (d) fixing the compensation to be paid for lands taken or injured in the construction of such works.

Registration of order.

(13) The registration of any order under clause *c* of subsection 12 shall be a bar to any action or proceeding taken by any person or corporation claiming any right or benefits under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order.

Jurisdiction of Board as to claims for damages.

(14) The Ontario Railway and Municipal Board shall have jurisdiction to enquire into, and hear and determine any application by or on behalf of any person or corporation

interested complaining that any urban municipality constructing, maintaining or operating any sewage disposal system, or plant, or having the control thereof,—

- (a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into by the corporation; or
- (b) has done or is doing any act or is failing to do any act and that such act or failure is causing depreciation, loss, injury or damage to any property of any owner, and the said Board may make any order, award or finding in respect of any claim of damage or injury, as it may deem just.

(15) The jurisdiction of The Ontario Railway and Municipal Board under this section shall be conclusive and all claims for injury or damages or any other matter arising under the provisions of this section relating to the construction by an urban municipality of a sewage disposal plant in a township municipality, shall be heard and determined by the Board and *The Ontario Railway and Municipal Board Act*, so far as it is practicable, shall apply to every application and order made to or by the Ontario Railway and Municipal Board under this section. 1918, c. 41, s. 10. *Amended.*

*Act Chap. 41
to be determined by
Board.*

(16) Where a sewage disposal plant or any connection therewith is constructed by an urban municipality in a township the council of the urban municipality and the council of the township may enter into an agreement for the connecting with and user of such sewage disposal plant or connections by the township municipality and residents thereof on such terms as may be mutually agreed upon. 1921, c. 74, s. 4.

Agreement between urban and township municipalities.

BY-LAWS FOR BORROWING FOR WATERWORKS AND SEWERAGE.

97.—(1) No by-law shall be passed for raising money for any of the purposes mentioned in sections 91 and 96 until the proposed water supply or sewerage system, as the case may be, has been approved by the Department of Health, and such approval has been certified under the hand of the Minister.

By-Law for issue of debentures not to be passed until approved by Department.

(2) The by-law shall recite the approval of the Department. R.S.O. 1914, c. 218, s. 95. *Amended.*

By-Law to recite approval.

98.—(1) Where the Department reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or an adequate water

Assent of electors required.

purification plant, or a sewer or a sewerage system, or an adequate sewage treatment plant should be established or continued, or that any existing waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant should be improved, extended, enlarged, altered, renewed or replaced, it shall not be necessary to obtain the assent of the electors to any by-law for incurring a debt for any of such purposes.

Council on
report of
Department to
pass by-laws
and carry
out works.

(2) Where the Department has reported as provided by subsection 1, the council of a municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the corporation of the municipality shall immediately commence the work and carry the same to completion without unnecessary delay.

By-law not
to be passed
until
approved.

(3) The by-law shall not be finally passed until the approval of the Department has been obtained to the work to be done as hereinbefore provided, and shall recite such approval. R.S.O. 1914, c. 218, s. 96. *Amended.*

Repairs and
renewals,
etc., powers
of Depart-
ment.

99. Every waterworks system, water purification plant, sewer or sewerage system and sewage treatment plant established for public use shall at all times be maintained and kept in repair as may be necessary for the protection of the public health and as may be directed by any special order of the Department or by the regulations. R.S.O. 1914, c. 218, s. 97. *Amended.*

Penalty.

100. Any municipal corporation or body or person refusing or neglecting to carry out the provisions of either of the two next preceding sections, after notice from the Department so to do, shall incur a penalty of \$100 for every day upon which such default continues. R.S.O. 1914, c. 218, s. 98. *Amended.*

ICE SUPPLIES.

Regulation
of ice supply
by local
board.

101.—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored may adopt such regulations regarding the source of supply and the place of storage of the same as are, in its opinion, best adapted to secure the purity of the ice and prevent injury to the public health, and for the supervision of ice supplies, whether obtained within or without the municipality, whenever the ice is intended for use within the municipality in which the board has jurisdiction.

Permit for
cutting ice.

(2) No ice shall be cut from any lake, river, stream, pond, or other water for the purpose of being sold, or used for domestic purposes unless a permit therefor has been first

obtained

obtained from the local board, and no person shall sell or deliver or dispose of in any way any ice for domestic purposes without first obtaining a permit therefor from the local board, and the local board may refuse a permit, or revoke any granted by it, when in their judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the same is or would be detrimental to the public health.

(3) Every local board shall enforce the regulations of the Local board to enforce Department, and may prohibit the sale and use of any ice regulations, within the limits of the municipality, when, in its judgment, the same is unfit for use or the use of it would be detrimental to the public health.

(4) The local board may prohibit, and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of the municipality, and may in the same manner prevent the sale of any such ice for domestic purposes within the limits of the municipality, when, in its judgment, the ice is unfit for use, or the use of it would be detrimental to the public health.

R.S.O. 1914, c. 218, s. 99. *Amended.*

INSPECTION OF ANIMALS, MEAT, ETC.

102.—(1) A medical officer of health or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man; and if such article appears to him to be diseased, or unsound or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall incur a penalty of not less than \$10 nor more than \$100 for every such article unless he proves that he did not know and had no means of knowing the condition of such article.

(3) Where it is charged upon any prosecution under this section that any animal, or the meat or milk of any animal, is affected with any disease named in section 2 of *The Animal Contagious Diseases Act of Canada*, or with wens, clylers, actinomycosis or osteosarcoma, or any disease of a cancerous nature, the medical officer of health may make, or cause to

be made, or request the Department to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists; and the Minister may instruct an officer of the Department to make such examination or cause the same to be made.

Expenses
and fee on
examination.

(4) The expenses of such examination, together with a fee not exceeding \$10, shall be certified by the Deputy Minister and shall be payable by the treasurer of the municipality in which such animal, meat or milk is found.

Onus of
proof.

(5) In any prosecution under this section the burden of proof that any article in respect of which the charge is laid is not kept for sale or intended for food for man shall be upon the person charged. R.S.O. 1914, c. 218, s. 100. *Amended.*

Permit re-
quired for
manufactur-
ing or
bottling of
carbonated
water, etc.

(6) A person, firm or corporation shall not manufacture or bottle for sale as food for man, any beverage such as carbonated water, natural and artificial mineral water, spring and distilled water, unfermented wine or cordials, concentrated syrup, extracts, essence, fruit juice, or any dry substance in concentrated form for the manufacture of any beverage, brewed ginger beer, or other non-intoxicating drink, without first obtaining a permit in writing so to do from the medical officer of health and the local board of the municipality in which such manufacturing or bottling is to be conducted.

Cancellation
of permit.

(7) When the medical officer and local board of health desire to cancel a permit they must give notice in writing of such cancellation to the person or persons or the agent of the person or persons to whom the permit was issued and such cancellation shall not become effective until thirty days after receipt of such notice by the said person, persons or their agent.

Revocation
of permit.
or what
grounds.

(8) Such permit may be refused and if granted may be cancelled or revoked for failure to comply with the regulations pertaining to the building, equipment and methods of manufacture or bottling of such beverage or if such beverage upon analysis is found to be contaminated or contain any injurious ingredients, or for other cause is found to be unfit for food. 1923, c. 52, s. 5.

Feeding cer-
tain things
to hogs.

103.—(1) Whenever any medical officer of health or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming

putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

(2) The owner, or person in charge of, or any person found feeding any such blood, offal or meat to hogs shall incur a penalty of not less than \$5 nor more than \$50, and upon his conviction the medical officer of health shall order the hogs, whether dead or alive, to be destroyed, or so disposed of as to prevent them from being exposed for sale or used for food for man.

(3) In every prosecution under this section, where it is proved that such blood, offal or decomposed meat was found upon the premises, the burden of proof that the same was not intended to be fed to hogs shall be upon the person charged. R.S.O. 1914, c. 218, s. 101.

104.—(1) Every butcher and other person selling meat shall on the request of the medical officer of health make affidavit as to the place at which the slaughter of his meat is carried on, and where it is without the limits of the municipality such place shall be open to inspection by the medical officer of health or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

(2) In case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

(3) If after receiving such notice the butcher or other person sells or offers for sale any meat in the municipality he shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 218, s. 102.

105.—(1) Any person who knowingly sells, or has in his possession with intent to sell as food for man, the meat of any calf less than three weeks old shall incur a penalty of not less than \$10 nor more than \$50. R.S.O. 1914, c. 218, s. 103 (1); 1916, c. 51, s. 6 (1). *Amended.*

(2) In every prosecution under this section, where it is proved that the meat of any calf less than three weeks old was found upon the premises, the burden of proof that the same was not intended as food for man shall be upon the person charged. R.S.O. 1914, c. 218, s. 103 (2); 1916, c. 51, s. 6 (2). *Amended.*

MUNICIPAL SLAUGHTER-HOUSES, ABATTOIRS, ETC.

By-laws for establishing slaughter-houses, cattle-yards or pens.

106.—(1) The municipal council of a city or town may by by-law provide for the establishment, within the municipality, or in an adjoining municipality, the council of which has by by-law sanctioned its establishment therein, of a public slaughter-house or abattoir with proper cattle-yards and pens in connection therewith for the proper keeping therein of animals intended for slaughter, and for charging fees for the use thereof.

Regulation of slaughter houses, etc.

(2) Every such slaughter-house or abattoir, and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with the regulations. R.S.O. 1914, c. 218, s. 104.

Local board of health to have control.

107. The local board of the city or town by which the slaughter-house or abattoir, cattle-yards or pens are established shall have the supervision of them, and shall be responsible for the due carrying out of the regulations, and the costs of the supervision and inspection shall be paid from time to time by the treasurer of the city or town out of the fees charged, on the order of the local board of health. R.S.O. 1914, c. 218, s. 105.

Competent persons employed for inspecting animals and meat.

108. Such local board may employ one or more persons, approved of by the medical officer of health, to inspect at such slaughter-house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for food for man. R.S.O. 1914, c. 218, s. 106.

Inspection of meat-packing establishments.

109. Any meat-packing establishment shall be subject to inspection in the same manner as a municipal slaughter-house or abattoir. R.S.O. 1914, c. 218, s. 107.

USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

Penalty for hindering officers from inspecting meat, etc.

110. Any person who obstructs, hinders, or delays or prevents an officer of the Department, or any local board, or a member thereof, medical officer of health or sanitary inspector, or any person employed by or acting under the direction of any of them in the exercise of any of the powers conferred, or performance of any of the duties imposed upon them by this Act or by the regulations, or in carrying out any order lawfully given by them, shall incur a penalty of not less than \$25 nor more than \$100. R.S.O. 1914, c. 218, s. 108. *Amended.*

Calling for assistance of constables, etc.

111. Whenever a local board or a member thereof, medical officer of health or sanitary inspector is required or empowered by this or any other Act or by the regulations or by

a municipal by-law to do or to prevent or to direct or enforce the doing of anything, such board or member or officer or inspector may use such force and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any constable or other person, and it shall be the duty of every constable so called upon to render such assistance. R.S.O. 1914, c. 218, s. 109.

PENALTIES AND RECOVERY THEREOF.

112.—(1) Any person who contravenes any of the provisions of sections 54 to 73 for which no other penalty is provided shall incur a penalty of not less than \$25 nor more than \$100. R.S.O. 1914, c. 218, s. 110 (1).

(2) Any person who contravenes any other provision of this Act or of the regulations or of any municipal by-law passed under this Act, or wilfully disobeys or neglects to carry out any order or direction lawfully given by the Department, a local board, member of a local board, medical officer of health or sanitary inspector unless it is otherwise provided shall incur a penalty of not less than \$5 nor more than \$500. R.S.O. 1914, c. 218, s. 110 (2); 1918, c. 41, s. 11. *Amended.*

(3) Where any person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance, or other unsanitary condition, which it is such person's duty to remove, or of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act or to such regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default, and shall be liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken. R.S.O. 1914, c. 218, s. 110 (3).

Penalty for
selling
biological
products
supplied by
Department.

(4) Every person who sells either publicly or privately any of the biological products supplied to the public free of charge by the Department shall incur a penalty of \$100, and in default of payment thereof shall be liable to imprisonment for a period of three months. 1916, c. 51, s. 7. *Amended.*

Recovery of
penalties.
1926, c. 31.

113. Penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act* before a police magistrate or two justices of the peace. R.S.O. 1914, c. 218, s. 111.

Application
of penalties.

114.—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation of a municipality, or the local board, or the medical officer of health or other health officers of the municipality shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board of health.

Offences in
unorganized
territory.

(2) Where the prosecution is at the instance of the Department or of any Provincial officer or where the offence was committed in territory without municipal organization the penalty shall be paid to the Treasurer of Ontario. R.S.O. 1914, c. 218, s. 112. *Amended.*

Where
offence is
against Act
and by-law.

115. Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. R.S.O. 1914, c. 218, s. 113.

ALL PROCEEDINGS BARRED' BY POVERTY, ETC.

Certificate of
poverty or
inability a
bar to pro-
secution.

116. Where any person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act, or of the regulations, gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for a period of six months. R.S.O. 1914, c. 218, s. 114.

STATUTORY BY-LAW.

Application
of enact-
ments in
Schedule
"B."

117.—(1) The by-law set out in Schedule B, hereinafter called the statutory by-law, and every amendment thereof, shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality shall have authority to pass by-laws with the approval of the

Department for making additional requirements in respect to any of the matters dealt with by the statutory by-law.

(2) The Department may permit the council of any municipality to amend the statutory by-law so as to conform to the requirements of the municipality or to meet such special circumstances as in the opinion of the Department may warrant such amendment. R.S.O. 1914, c. 218, s. 115. *Amended.*

(3) The by-law set out in Schedule B and any amendment thereof approved by the Department shall have the same force and authority as a regulation made under this Act by the Department. 1916, c. 51, s. 8. *Amended.*

POSTPONEMENT OF MUNICIPAL AND SCHOOL ELECTIONS.

118.—(1) Where the Minister reports to the Lieutenant-Governor that on account of the prevalence in any municipality of any communicable disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor in Council may, of his own motion, or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such election if, in the opinion of the Minister, the necessity for postponement continues.

(2) The Lieutenant-Governor may, by the proclamation, name the days for holding the nomination and polling, but, if no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name the days for the nomination and polling. R.S.O. 1914, c. 218, s. 116. *Amended.*

UNORGANIZED TERRITORY.

119. Sections 120 to 126 shall apply only to territory without county organization. R.S.O. 1914, c. 218, s. 117. *Amended.*

120.—(1) The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations,

(a) respecting any industry and the conditions under which the same may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;

(b)

- 'b) for the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;
- (c) for providing for the inspection of houses and premises;
- (d) for providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed, and for the erection of permanent or temporary hospitals for the accommodation of persons so employed.

General or
local or
special.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

Expenses.

(3) The expenses of carrying out the regulations shall be paid to the person entitled thereto by the persons, firms or corporations whose duty it may be to carry out such regulations, and the amount so to be paid shall be apportioned by the Minister among them as he may deem proper, and every amount so apportioned shall be deemed to be a debt due from the person, firm or corporation, and may be recovered by the person entitled thereto by action in any court of competent jurisdiction.

~~Failure to
compliance.~~

(4) If default is made in complying with any of the regulations the Department may direct that what is omitted to be done shall be done at the expense of the person, firm or corporation in default, and if the default is the failure to employ a duly qualified medical practitioner, as provided by clause *d* of subsection 1, the employing person, firm or corporation shall be liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness. R.S.O. 1914, c. 218, s. 118. *Amended.*

~~Penalties.~~

~~1926, c. 31.~~

(5) Where any regulation has been made by the Minister with the approval of the Lieutenant-Governor in Council under the provisions of this section relating to territory without municipal organization, the regulation may provide for the imposing of penalties for the violation of any regulation made under that section and every such penalty shall be recoverable under *The Ontario Summary Convictions Act* before a police magistrate or two justices of the peace. 1920, c. 81, s. 6. *Amended.*

121. Every police magistrate shall be *ex officio* a medical officer of health in and for the district or part of a district for which he is appointed. R.S.O. 1914, c. 218, s. 119.

122. Every constable shall be *ex officio* a sanitary inspector for the locality for which he is appointed. R.S.O. 1914, c. 218, s. 120.

123. The Superintendent of the Algonquin Park shall be *ex officio* a medical officer of health for the Park, and for the territory surrounding it for the distance of one mile therefrom or from any part thereof; and all the park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under this Act for the Park and such territory. R.S.O. 1914, c. 218, s. 121.

124. The Lieutenant-Governor in Council may appoint medical officers of health; and every such officer shall within the locality for which he is appointed have all the powers and perform all the duties by this Act, or any other Act, conferred or imposed upon medical officers of health, or local boards of health, and shall also perform such other duties as the Lieutenant-Governor in Council may direct. R.S.O. 1914, c. 218, s. 122.

125. The Minister may also, with the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors, who shall possess, in addition to the powers conferred upon sanitary inspectors by this Act, all the powers conferred upon local boards of health by section 26. R.S.O. 1914, c. 218, s. 123. *Amended.*

126. The medical officer of health and the sanitary inspectors shall be paid such salary or other remuneration as may be determined by the Lieutenant-Governor in Council out of the appropriation made by the Legislature for the purposes of the Department. R.S.O. 1914, c. 218, s. 124. *Amended.*

EXPENSES OF ENFORCEMENT OF ACT.

127. -(1) The expenses incurred by the Department in the enforcement of this or any other Act or of the regulations shall be payable in the first instance by the Treasurer of Ontario out of any money appropriated by this Legislature for the expenses of the Department, and in such manner and upon such certificate and after such audit as the regulations may prescribe, anything in *The Audit Act* or any other Act Rev. Stat. o. 23, to the contrary notwithstanding. R.S.O. 1914, c. 218, s. 125 (1).

*Payment on
certificate of
officer or
officers.*

(2) Whenever an account is certified by the officer or officers designated in the regulations to be properly payable out of such appropriation, such certificate shall be final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. R.S.O. 1914, c. 218, s. 125 (2); 1916, c. 51, s. 9. *Amended.*

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM,
OR REMOVED INTO SUPREME COURT.

*Proceedings
not to be
quashed for
want of form
or removed
into Supreme
Court.*

128. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or otherwise into the Supreme Court. R.S.O. 1914, c. 218, s. 126.

*Existing
regulations
continued.*

129. Except in so far as they are inconsistent with this Act all existing regulations made under any of the Acts repealed by *The Public Health Act*, being chapter 58 of the Acts passed in the second year of His Majesty's reign, or under that Act are confirmed and declared to be legal, valid and binding and shall continue in force until altered or repealed by the Minister with the approval of the Lieutenant-Governor in Council. R.S.O. 1914, c. 218, s. 127. *Amended*

Repeal.

130. The following Acts and parts of Acts are hereby repealed,—

R.S.O. 1914, Chapter 218—The whole.

1914, Chapter 21—Sections 46 and 47.

1915, Chapter 40—The whole.

1916, Chapter 51—The whole.

1917, Chapter 51—The whole.

1918, Chapter 41—The whole.

1919, Chapter 25—Section 30; Chapter 62—The whole.

1920, Chapter 81—The whole.

1921, Chapter 74—The whole.

1922, Chapter 88—The whole.

1923, Chapter 52—The whole.

1924, Chapter 68—The whole; Chapter 69—The whole, except sections 3 and 7; Chapter 83—Section 4.

1925, Chapter 68—The whole; Chapter 69—The whole.

131. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE A.

(*Section 50 (2).*)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken (or obtained, as the case may be) of the following lands (or building, as the case may be) namely,

(*Reasonable Description*).

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of _____ or such other time as may in the discretion of the undersigned be necessary.

Dated, etc.

(*Signature.*)

SCHEDULE B

(*Section 117.*)

BY-LAW IN FORCE IN EVERY MUNICIPALITY UNTIL ALTERED BY THE MUNICIPAL COUNCIL.

1. It shall be the duty of the medical officer of health to assist and advise the local board of health and its officers in matters relating to medical public health and to superintend the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Department of Health of Ontario. He shall also present to the said board, before the 15th day of November in each year, a full report upon the sanitary condition of the municipality.

2. The sanitary inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health and perform such other duties as may from time to time be assigned to him by the local board of health or the medical officer of health.

3. The chairman of the local board of health shall, before the 1st day of December in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Department.

Deposits endangering public health forbidden.

4. No person shall within the municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any land belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.

Duty of sanitary inspector as to lands, etc.

5. It shall be a duty of the sanitary inspector to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises upon which any such accumulation may be found, and at once to notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the local board of health or medical officer of health, all premises occupied by persons residing within the municipality, and shall report to the board every violation of any of the provisions of this by-law, or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

Examination of buildings or premises by sanitary inspectors

6. Whenever it shall appear to the local board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of this municipality is received stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar, kept or constructed so as to be dangerous or injurious to the public health or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter or thing is kept so as to be dangerous or injurious to the public health, it shall be the duty of the sanitary inspector to enter such building or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours' notice from any such officer to remove or abate such matter, or thing shall neglect or refuse to remove or abate the same, he shall be subject to the penalties mentioned in section 35.

Notice to put premises in proper sanitary condition or to quit same.

7. If the local board is satisfied upon due examination that a cellar, room, tenement or building within the municipality, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties mentioned in section 35, and the board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Distance of slaughter-house, etc.

8. No person shall at any time use any house, shop or out-house as a slaughter-house or as a place for slaughtering animals or fowls therein, unless such shop, house or outhouse is distant not less than two hundred yards from any dwelling-house, and not less than fifty yards from any public street.

9. All slaughter-houses within this municipality shall be subject to inspection under the direction of the local board of health; and no person shall keep any slaughter-house unless the permission in writing of the board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the slaughter house shall be so kept as to comply with the regulations of the Department respecting slaughter-houses, and upon such condition being broken the permission may be revoked by the board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

10. All milch cows, cow byres and dairies, and all places in which milk is sold or kept for general use, and all cheese factories and creameries shall be subject to inspection under the direction of the board; and the proprietors shall obtain permission in writing from the board, to keep any such dairy or other place in which milk is so sold or kept, or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken the said permission may be revoked by the board.

11. No person shall offer for sale within this municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or other cause is unfit for use.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same; and if the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant; and if not, by the owner; and in either case such expense shall be recoverable in the same manner as municipal taxes.

13. If the local board of health or the medical officer of health certify that any well should be filled in or otherwise treated, such well shall be dealt with accordingly by the owner or occupant of the premises. Pending compliance with the order of the local board of health, or the local medical officer of health, the local medical officer of health shall take such measures as in his judgment may be necessary to prevent the use of water from the said well. No well shall be used as a privy, privy vault or cess-pool.

14. No privy-vault, cess-pool, septic tank or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the approval in writing of the medical officer of health has been obtained.

Details of
establish-
ment of
privy vaults,
etc., to be
approved by
M.O.H.

15. The next preceding section shall not apply to privies or closets with a water-tight container above the surface of the ground, but sufficient dry earth, wood ashes, coal ashes or other material to absorb all fluids of the deposit must be thrown upon the contents of such privies daily, and the contents covered completely with chloride of lime once each week. The contents, when removed shall be disposed of in a sanitary manner to the satisfaction of the medical officer of health or the local sanitary inspector.

16. If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools and reservoirs shall be allowed in accordance with section 14, they shall be cleaned out or disinfected or both on the order of the medical officer of health, or the local board of health.

Description
Deodorization
before removal.

17. Within the limits of this municipality no night-soil or contents of any cess-pool, septic tank or reservoir shall be removed, unless the removal is by some odourless process.

Description
Time for removal of animal or vegetable matter.

18. It shall be the duty of the owner of every house, apartment and place of business within this municipality to provide for the occupants, employees and customers adequate sanitary closets and toilet accommodation.

19. All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year.

Description
Time for removal of garbage.

20. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle, the contents of which shall be regularly removed, at least twice a week.

21. All restaurants or eating houses operated in this municipality shall be required to have wash rooms and toilets, one for males and one for females for the accommodation of the public.

Description
Building sites to be disinfected.

22. Swine shall not be kept within the limits of this municipality, except in pens, with floors, kept free from standing water and regularly cleansed and disinfected, and distant at least one hundred feet from any dwelling house, school house or church.

23. The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit more than two waggon-loads of manure to accumulate in or near the same at any one time, and shall at all times keep such manure in a proper covered receptacle.

Description
Ventilation of drains.

24. No house shall be built upon any site, the soil of which has been made up of any refuse, unless such soil has been removed from such site, and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

25. The drain of every house connected with a sewer or cess-pool shall be properly ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house. Such pipes shall be of the same dimensions as the main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the ventilating pipes. If a trap intervenes between the sewer or cess-pool and the ventilating pipes, then a four-inch ventilating pipe of such material shall be carried from a point between such trap and the sewer. Every ventilating pipe shall be carried above the roof of the house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house to prevent the escape into it of gases from such ventilating pipes.

26. No pipe from any drain or soil-pipe shall be connected with any chimney in a dwelling-house.

Description
Certain closets prohibited.

27. Every house-drain shall be constructed of vitrified earthenware or iron pipe; and every soil and waste-pipe of iron pipe shall be rendered impervious to gas or liquids, by the joints being run with lead and caulked, or constructed of lead pipe weighing at least six pounds to the square foot; and the waste-pipe from every closet, sink, tub, wash-basin or other service shall have as near as possible to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into the house. And all joints shall be so constructed as to prevent gas escaping through them.

28. The construction of any closet or other convenience which allows of the escape from it or from the drain or soil-pipe into the house of air or gas is prohibited.

29. No pipe supplying water to a water-closet or urinal shall be directly connected with a pipe supplying water for drinking purposes. Pipes supplying water to closets.

30. Every person who erects or causes to be erected any building shall, within two weeks after the completion thereof, deposit with the local board of health plans of the drainage and plumbing of the same as executed, and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner a plan of any such alteration; if such alteration is made by an occupant it shall be his duty to deposit or cause to be deposited the plan.

31. The medical officer of health or the secretary of the local board of health, shall provide each legally qualified medical practitioner, practising within this municipality, with blank forms on which he shall report cases of communicable disease to the medical officer of health, officer or secretary, and, also, with other blank forms on which to report death or recovery from any such disease. Rules re-inspecting infectious and contagious diseases. Duties of M.O.H.

32. All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of any envelope, and shall call for the following information:

Report of Communicable Disease.

Blank forms.

Christian name and surname of patient:

Age of patient:

Locality (giving street, number of house or lot), where patient is:

Name of disease:

Name of school attended by children from that house:

Measures employed for isolation and disinfection:

(Signature of physician):

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient:

Locality (giving street, number of house or lot), where patient is:

Name of disease:

How long sick:

Whether dead or recovered:

Means of disinfection employed, and when employed:

(Signature of physician):

33. The medical officer of health within six hours after he has received notice of the existence in any house of any communicable disease in respect of which it is his duty to do so, shall affix or cause to be affixed, near the entrance of such house, in plain view of the public, a card at least nine inches wide and twelve inches long, stating that such disease exists in the house, and stating the penalty for removal of such card without the permission of the medical officer of health, and no person shall remove such card without his permission. Notice of disease to be posted up.

Not to be removed.

34. No animal suffering from any communicable disease shall be brought or kept within this municipality, except by permission of the medical officer of health. Animals affected.

35. Any person who violates sections 4, 6, 7, 9, or 11 of this by-law or section 24 or sections 33 or 34, shall for every offence, incur a penalty of not less than \$5 nor more than \$50; and any person who violates any other provision of this by-law shall for every offence incur a penalty of not more than \$20; and such penalties shall be recoverable under *The Ontario Summary Convictions, Act, 1926.*

1926, c. 31.

CHAPTER 74.

An Act respecting Houses erected under The Ontario Housing Act, 1919.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Short title.

1. This Act may be cited as *The Housing Adjustment Act, 1927.*

Agreements
of agree-
ments for
sale, etc.,
where new
incorpo-
rations
detached

2. Where a district, in which is situate land and houses vested in a housing commission appointed under the provisions of *The Ontario Housing Act, 1919*, has been heretofore or shall hereafter be erected into a new municipality or annexed to another municipality such land and houses and any agreements of sale, insurance policies and other documents of title in connection therewith shall be assigned, conveyed and transferred to the corporation of such new or other municipality.

Collection
of arrears by
new munici-
pality.

3. The corporation of such new or other municipality shall collect any arrears due at the date of the erection of such new municipality or such annexation under any agreement of sale or other indebtedness owing to the housing commission of the municipality from which such district is detached in respect of such land and houses and pay same over to such last mentioned housing commission as and when collected.

Payment
over by
new munici-
pality of
arrears.

4. The corporation of such new or other municipality shall within twelve months after the said land and houses and any agreements of sale, insurance policies and other documents of title in connection therewith shall have been transferred to it, pay over to the housing commission of the municipality from which such district is detached, all arrears due under any of the said agreements of sale, or other indebtedness owing in respect of such land and houses which may have accrued since the date of the erection of such new municipality or such annexation and after such transfer has been made shall also pay over on the first day of each month to the said housing com-

mission, the monthly instalments required to be paid by such commission to the Treasurer of Ontario in repayment of loans made in respect of such land and houses.

5. Any dispute as to such land and houses between the council of the municipality from which such district is detached and the council of such new or other municipality or the housing commissions thereof, shall be determined by the Ontario Railway and Municipal Board whose decision shall be final.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Deter-
mination of
disputes.

Commece-
ment of
Act.

CHAPTER 75.

An Act respecting the Production and Sale of Milk
and Cream for Human Consumption.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Milk and Cream Act, 1927.*

Interpretation "municipality."

2. In this Act "municipality" shall not include county.

**Powers of
municipal
councils.**

3. The council of every municipality may pass by-laws for regulating milk or cream produced for sale, offered for sale or sold within such municipality as to the—

(a) care of cows producing milk for sale for domestic consumption;

(b) cleanliness, ventilation and sanitary conditions of the places in which cows are kept or milked or in which milk or cream is stored;

(c) water supplied to cows;

(d) care and cleansing, construction and type of all utensils used in handling milk or cream whether by producers, carriers or vendors;

(e) care, storage, transportation and distribution of milk by producers, carriers or vendors;

(f) making of bacteriological tests for the purpose of ascertaining the wholesomeness of milk or cream offered for sale by any producer, carrier or vendor; and

(g) other matters regarding the production, care, transportation or sale of milk or cream which the council may deem necessary;

and

and upon such regulations being approved in writing by the ^{Approval of} Minister of Agriculture, they shall apply to all milk produced ^{regulations,} for sale, offered for sale or sold within such municipality.

4.—(1) The council of every municipality may pass by-laws for licensing and regulating the granting of licenses to vendors of milk or cream for human consumption, and may refuse or cancel such licenses. <sup>By-laws
regulating
the granting
of licenses.</sup>

(2) No person shall sell milk or cream in a municipality in which such by-laws are in force without first obtaining a license therefor. <sup>Not to be
sold without
a license.</sup>

5.—(1) The council of any municipality may pass by-laws fixing the standards for butter fat in cream, and the butter fat and total solids in milk sold in such municipality, but no and solids. cream containing less than sixteen per centum butter fat or milk containing less than eleven and three-quarters per centum total solids of which three and one-quarter per centum is butter fat, shall be sold for human consumption. <sup>By-laws
fixing
standards of
butter fat
and solids.</sup>

(2) No person shall place any preservative in milk or cream intended for human consumption, or sell or offer for sale to any vendor, milk from which any part of the butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without previously giving notice in writing of such change to such vendor. <sup>Preserva-
tives, etc.,
not to be
used.</sup>

(3) No vendor of milk or cream shall sell or offer for sale milk or cream not complying with the standard, or milk from which butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without clearly and distinctly advertising the same in the manner prescribed by the by-law of the municipality in which it is sold. <sup>Departures
from stan-
dard or
normal con-
dition, must
be adver-
tised.</sup>

6.—(1) The council of every municipality may by by-law appoint an inspector or inspectors for the enforcement of this Act and any by-law passed hereunder, and every such inspector may prohibit the sale, within the municipality for which he is inspector, of milk or cream for human consumption which in his judgment is produced or handled contrary to the provisions of this Act or the by-law. <sup>Appoint-
ment of
municipal
inspectors.</sup>

(2) Every such inspector may inspect the premises of every vendor licensed to sell milk or cream within the municipality to see that the requirements of this Act and the by-laws are fully complied with, and may take samples of milk or cream for examination and testing. <sup>Powers of
inspectors.</sup>

Right to enter, take samples, etc.

(3) Every such inspector may enter the premises, wherever located, of every person producing milk or cream for sale or consumption within the municipality, fully inspect the same and take for examination and testing samples of milk or cream produced therein and of the water supplied to cows or used in cleansing dairy utensils.

Inspecting and taking samples in transit.

(4) Every such inspector may inspect and take samples of milk or cream for sale or consumption within the municipality while in transit, and may enter any premises in order to procure samples of such milk or cream.

Publication of tests.

(5) The result of all such tests shall be open to public inspection at all reasonable times and may be published by the medical officer of health of the municipality.

Milk from diseased cows.

7.—(1) There shall not be sold milk or cream from any cow which upon physical examination by a duly qualified veterinary surgeon, is declared to be suffering from tuberculosis of the udder or milk glands, or whose milk, upon bacteriological or microscopical analysis is shown to contain tubercle bacilli or which is known to be suffering from splenic fever or anthrax or any other general or local disease which is liable to render milk or cream from such cow dangerous to health.

Idem.

(2) Where an inspector suspects that a cow is affected with any of such diseases he shall notify the owner that the milk or cream of such cow must not be sold or offered for sale until a permit has been granted by the board of health of the municipality in which such milk is to be consumed; and after such notice is given the milk or cream from such cow shall not be sold until the permit is granted.

Persons suffering from diseases not to be employed.

8. No person suffering from, or who has knowingly, within a time prescribed by the regulations of the Provincial Department of Health, been exposed to diphtheria, scarlet fever, typhoid fever, erysipelas, smallpox, chickenpox, measles, glanders, anthrax, venereal disease or any infectious skin disease shall work or assist in the production, transportation or vending of milk or cream, and no owner, manager or superintendent of any dairy or dairy farm shall knowingly permit any person so suffering or exposed, to work or assist in the production, transportation or vending of milk or cream, and the sale of milk or cream produced or handled under such circumstances may be prohibited by the inspector.

Use and cleansing of utensils.

9. Cans, bottles or other utensils used in the distribution of milk or cream shall not be used for any other purpose, and must be thoroughly cleansed before being again used.

10. The council of every municipality may establish and maintain or assist by annual grant or otherwise in the establishment and maintenance of milk or cream depots in order to furnish a special supply of milk to infants.

11.—(1) The term "certified" shall not be applied to any milk unless,—^{Use of word "certified."}

- (a) it is taken from cows semi-annually subjected to the tuberculin test and found without reaction;
- (b) it contains not more than 10,000 bacteria per cubic centimetre from June to September, both inclusive, and not more than 5,000 bacteria per cubic centimetre from October to May, both inclusive;
- (c) it is free from blood, pus, or disease-producing organisms;
- (d) it is free from disagreeable odour or taste;
- (e) it has not undergone pasteurization or sterilization and is free from chemical preservatives;
- (f) it has been cooled to forty-five degrees Fahrenheit or under within half an hour after milking, and kept at that temperature until delivered to the consumer;
- (g) it contains twelve to thirteen per centum of milk solids, of which at least three and one-half per centum is butter fat;
- (h) it is from a farm the herd of which is inspected monthly by a duly qualified veterinary surgeon, and the employees of which are examined monthly by a legally qualified medical practitioner.

(2) No milk shall be sold as "certified" unless a certificate setting forth that the above conditions have been complied with has been obtained within one year from the medical officer of health of the municipality in which it is to be consumed or from an incorporated society of medical practitioners in Ontario.

12. The word "pasteurized" shall not be applied to any milk unless all portions of it have been subjected for at least twenty and not more than thirty minutes to a temperature of not less than one hundred and forty and not more than one hundred and fifty degrees Fahrenheit and then at once cooled to forty-five degrees Fahrenheit or under and kept at that

temperature until delivered to the consumer; and the process of pasteurization shall be subject to inspection by the local medical officer of health or such inspector as he may designate.

Penalties.
1926, c. 31.

13. Any person contravening any of the provisions of this Act or of any by-law passed hereunder shall incur a penalty of not less than \$1 nor more than \$50 recoverable under *The Ontario Summary Convictions Act, 1926*.

Rev. Stat.
c. 221, 1919
c. 27, c. 31,
repealed.

14. *The Milk Act* being chapter 221 of the Revised Statutes of Ontario, 1914, and section 31 of *The Statute Law Amendment Act, 1919*, being chapter 25 of the Statutes of 1919, are repealed.

Commencement of
Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 76.

An Act to amend The Milk, Cheese and Butter Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Milk, Cheese and Butter* Short title. *Act, 1927.*

2. Section 2 of *The Milk, Cheese and Butter Act* is repealed Rev. Stat. c. 222, s. 2, repealed. and the following substituted therefor:

2. In this Act “factory,” “cheese factory,” “creamery” Inter-
pretation. and “Minister” shall have the same meaning as in *The Dairy Products Act.*

3. Section 3 of *The Milk, Cheese and Butter Act* is amended Rev. Stat. c. 222, s. 3, amended. by striking out the word “creamery” where it occurs in the first and third lines and inserting in lieu thereof the word “factory.”

4. Section 4 of *The Milk, Cheese and Butter Act* is amended Rev. Stat. c. 222, s. 4, amended. by striking out the word “creameries” in the first line and inserting in lieu thereof the word “factories.”

5. Section 18 of *The Milk, Cheese and Butter Act* is repealed Rev. Stat. c. 222, s. 18, repealed. and the following substituted therefor:

18. Prosecutions under this Act shall be before a police magistrate or two justices of the peace. Prosec-
tions.

6. This Act shall come into force on the day upon which Commencement
of
Act. it receives the Royal Assent.

CHAPTER 77.

An Act to improve the Quality of Dairy Products.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Dairy Products Act, 1927.*

Interpretation.

2. In this Act,—

"Factory."

(a) "Factory" shall mean and include a cheese factory or butter manufactory, condensed milk factory, creamery, milk powder factory, milk or cream shipping or receiving station or other premises where milk and cream is collected for sale or shipment or manufacture;

"Cheese factory."

(b) "Cheese Factory" shall mean place to which the milk from the herds of five or more persons is brought for the purpose of being manufactured into cheese for public sale;

"Creamery."

(c) "Creamery" shall mean the place to which milk or cream from the herds of five or more persons is brought for the purpose of being manufactured into butter or is made into butter for public sale;

"Inspector."

(d) "Inspector" shall mean inspector appointed under *The Milk, Cheese and Butter Act*, or this Act;

"Minister."

(e) "Minister" shall mean Minister of Agriculture;

"Patron."

(f) "Patron" shall mean one who habitually sells milk or cream at a factory;

"Regulations."

(g) "Regulations" shall mean regulations made under the authority of this Act. 1926, c. 60, s. 2.

3.—(1) A building shall not be erected, rebuilt or reconstructed for use as a cheese factory or creamery on any site or location without the permission in writing of the Director of Dairying.

(2) Such building, rebuilding or reconstructing shall be in accordance with the conditions following:

(a) The foundation shall be substantially constructed of stone or concrete.

(b) The floors shall be of concrete or suitable tile.

(c) The outlets for waste water shall be properly trapped and the waste water from these outlets shall be conducted to septic tanks, cesspools or underground drains or sewers in such a manner that the surroundings of the factory shall be at all times clean and sanitary.

(d) The inside of all walls and all partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting.

(e) The ceilings of the work rooms shall be not less than ten feet from the surface of the floor.

(3) The tanks for containing whey, buttermilk and skim-milk shall be installed in such a manner that they can be emptied readily and kept clean and sanitary.

(4) A new or reconstructed factory shall not be operated until permission therefor has been given in writing by the Minister.

(5) The permission for the erection, rebuilding or reconstructing of a factory or for the commencement of operations therein shall not be granted until such factory has been inspected by an inspector and he has reported that such permission may properly be given. 1926, c. 60, s. 3.

4. Upon the report of an inspector that any factory is not in a satisfactory sanitary condition, or lacks proper equipment for the manufacture or collection of dairy products, or that unsanitary conditions exist in or about the factory or premises, the Minister may order the same to be closed forthwith and it shall be kept closed until the Minister certifies upon the report of the inspector that it has been put into a satisfactory sanitary condition and is properly equipped for the manufacture or collection of dairy products. 1926, c. 60, s. 4.

Basis of payment for milk and cream.

5.—(1) All milk and cream received at a factory shall be paid for,—

(a) on the basis of its fat content as determined by the Babcock test; or

(b) on the basis of its fat content as determined by the Babcock test plus the factor 2 in the case of milk received for cheese-making only.

Measuring fat content of milk.

(2) In determining the fat content of milk supplied to a factory the measuring pipette shall have a capacity of 17.6 c.c. officially stamped.

Measuring fat content of cream.

(3) In determining the fat content of cream supplied to a factory the sample of cream taken for testing shall be weighed into a test bottle officially stamped and shall weigh 9 or 18 grams. 1926, c. 60, s. 5.

Grading cream at a creamery.

6. All cream used in the manufacture of butter shall be graded at a creamery and payment for the cream shall be based on such grades. 1926, c. 60, s. 6.

Basis of grading cream for butter.

7. For the purpose of determining standards of grades of cream for butter-making purposes at a creamery the basis of grading shall be,—

(a) Special grade;

(b) First grade;

(c) Second grade;

(d) Off grade. 1926, c. 60, s. 7.

Pasteurizing cream.

8. All cream received at a creamery shall be properly pasteurized before being used for butter-making purposes. 1926, c. 60, s. 8.

Certificate of qualification required.

9. At every cheese factory and creamery the selecting of milk, the grading of cream and the manufacturing of cheese and butter shall be performed or supervised by the holder of a certificate of qualification granted under the provisions of section 10. 1926, c. 60, s. 9.

Graded certificates.

10. Certificates of qualification shall be granted annually as follows:

(a) First class certificates to cheesemakers and to butter-makers;

(b)

- (b) Second class certificates to cheesemakers and to buttermakers;
- (c) Permit certificates to cheesemakers and to buttermakers;
- (d) Certificates to milk and cream testers and to cream graders. 1926, c. 60, s. 11.

11. Certificates shall be granted by the Minister on the ^{Granting} recommendation of the Director of Dairying. 1926, c. 60, s. 12.

12. The Minister may on the recommendation of the Director of Dairying cancel or suspend any certificate on the ^{Cancelling or suspending certificate.} ground that the holder is not complying with this Act and the regulations. 1926, c. 60, s. 13.

13. A person whose certificate has been cancelled or suspended may be reinstated by the Minister upon the recommendation of the Director of Dairying. 1926, c. 60, s. 14. *Amended.*

14. When the whey at any factory is returned in the ^{Pasteurizing} patrons' cans it shall be properly pasteurized and the whey tanks kept in a clean, sanitary condition. 1926, c. 60, s. 15.

15. The Minister may with the consent of the Lieutenant-Governor in Council make regulations fixing the size, shape and specifications of packages used in the shipment of butter and cheese, and defining and limiting any brand or lettering to be placed thereon. 1926, c. 60, s. 16. ^{Packages and brands}

16. (1) The Minister may appoint inspectors to carry out the provisions of this Act and any inspector so appointed shall at all reasonable hours have free access and admission to all factories or other premises where milk or cream is collected for sale or shipment or manufacture or to milk and cream in transit on waggons, trains or other conveyances at collecting stations, railroad stations, express offices, in storage or wherever found, whether in possession of producer, seller, purchaser, carrying agent or storage company, and such inspector may take samples of such milk and cream in sufficient quantities to make the proper test. ^{Inspectors — powers and duties of.}

(2) It shall be the duty of the inspector and he shall have ^{Duties and powers of inspector.} authority,—

- (a) To weigh, test and take such quantities as may reasonably be required as samples of any lot of milk or cream or milk products for the purpose of testing the same;

(b)

- (b) To examine and test samples of milk or cream kept for re-test at a factory;
 - (c) To examine the records of receipts of milk and cream, of all Babcock tests made at a factory, and of the disposition thereof, and of the weight of all butter and other dairy products manufactured daily. 1920, c. 85, s. 6.
- (3) Any inspector shall have access to all factory and creamery reports necessary in the performance of his duty.
- (4) Any person obstructing any inspector in the performance of his duty shall be liable to a penalty of not less than \$25 nor more than \$100.

Regulations.

17. For the purpose of carrying into effect the provisions of this Act, according to their true intent, the Lieutenant-Governor in Council, on the recommendation of the Minister may make such regulations as may be deemed necessary, advisable or convenient for carrying out the provisions of this Act. 1926, c. 60, s. 18.

Penalty.

18. Every person who violates any of the provisions of this Act, or any regulations made under this Act, or who falsifies any records, or over-reads or under-reads the Babcock test or who in any way makes incorrect determinations of fat, or who pays for cream used in the manufacture of butter on any basis other than those stated in this Act and the regulations shall be liable to a penalty of not less than \$50 nor more than \$200. 1926, c. 60, s. 19.

Act not to apply to milk for human consumption.

19. Nothing in this Act shall apply to milk or cream sold or offered for sale for human consumption. 1926, c. 60, s. 20.

Application of 1926.

20. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act, 1926*.

Repeal.

21. *The Cream and Milk Purchase Act, 1920*, being chapter 85 of the Statutes of 1920, and *The Dairy Products Act, 1926*, being chapter 60 of the Statutes of 1926, are hereby repealed.

Commencement of Act.

22. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 78.

An Act for the Protection of Neglected and Dependent Children.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Children's Protection Act*, Short title. 1927.

2. In this Act,

Interpretation.

- (a) "Child" shall mean a boy or girl actually or apparently under sixteen years of age;
- (b) "Children's Aid Society" or "Society" shall mean a "Children's Aid Society." society approved by the Lieutenant-Governor in Council under the provisions of this Act, and, in a county or district in which there is no children's aid society, shall mean the Superintendent;
- (c) "Foster Home" shall mean a home in which a "Foster Home." neglected child may be placed;
- (d) "Judge" shall mean judge of a county or district "Judge." court, or police magistrate, or judge of the juvenile court, when such police magistrate or judge of the juvenile court has been designated by the Lieutenant-Governor in Council a judge within the meaning of this Act;
- (e) "Minister" shall mean Provincial Secretary or such "Minister." other member of the Executive Council as may be charged for the time being with the administration of this Act;
- (f) "Municipality" shall mean and include a county, "Municipality." city, or town, having a population of not less than 1,500 in a territorial district, a town separated from the county for municipal purposes, and a provisional judicial district;

(g)

"Neglected Child."

(g) "Neglected child" shall mean,—

- (i) A child who is an orphan and who is not being properly cared for by anyone, or who is brought by the person in whose charge he is to the judge to be dealt with under the provisions of this Act;
- (ii) A child who is abandoned or deserted by his parents or only living parent;
- (iii) A child whose parents, only living parent, guardian, or other person in whose charge he may be, cannot by reason of disease, or misfortune, properly care for him;
- (iv) A child whose home, by reason of neglect, cruelty, or depravity on the part of his parents, guardian or other person in whose charge he may be, is an unfit and improper place for him;
- (v) A child found living or associating with a thief, drunkard, vagrant, prostitute or other dissolute person not its parent or living in or frequenting a house of ill fame;
- (vi) A child found begging or receiving alms in a public place or carrying on a street trade contrary to this Act, or loitering in a public place after 9 o'clock in the evening after being warned as provided by section 16;
- (vii) A child who commits any act which renders him liable to a fine or to be sent to any prison or reformatory institution under any Dominion or Provincial statute or municipal by-law, or whose conduct is lewd or immoral, or whose language is frequently obscene or indecent;
- (viii) A child who by reason of inadequate parental control is delinquent or incorrigible, or who is growing up without salutary parental control or under circumstances tending to make him idle or dissolute;
- (ix) A child who without permission absents himself from his home or school;
- (x) An illegitimate child whose mother is unable to maintain him;

- (xi) A child whose parents neglect or refuse to provide or secure proper medical, surgical or remedial care or treatment necessary for his health or well-being, or who refuse to permit such care or treatment to be supplied to the child when ordered by competent authority;
 - (xii) A child who is not being properly cared for while its only parent is serving a term of imprisonment;
 - (xiii) A child who by reason of ill-treatment, cruelty, continual personal injury, grave misconduct or frequent intemperance by or of either of his parents or his guardian or other person in whose charge he may be, is in peril of loss of life, health or morality;
- (h) "Parent" shall include everyone who as parent, "Parent," guardian or head of a family is under a legal duty to provide necessaries for any child;
- (i) "Place of Safety" shall include a shelter or temporary "Place of safety." home established by a children's aid society or any institution established for the care and protection of children, or any place established as a temporary home under the provisions of section 5, but not a gaol, prison, police station or lockup;
- (j) "Public Place" shall mean a street, highway or lane, "Public place," whether a thoroughfare or not, and a tavern or other place of public resort, to which the public have or are permitted to have access for the purposes of entertainment;
- (k) "Superintendent" shall mean the Superintendent of "Superintendent." Neglected and Dependent Children.
- (l) "Board" shall mean board of directors or executive "Board." committee of a children's aid society. R.S.O. 1914, c. 231, s. 2; 1916, c. 53, s. 2; 1922, c. 92, s. 5.
Amended.

SUPERINTENDENT OF NEGLECTED CHILDREN.

3. The Lieutenant-Governor in Council may appoint an officer to be known as the Superintendent of Neglected and Dependent Children and such other officers and servants as may be deemed necessary, whose salaries shall be paid out of such amounts and remunerations as the Lieutenant-Governor in Council may determine.

such money as may be appropriated by the Legislature for that purpose, or partly out of money appropriated for children's aid work as directed by the Lieutenant-Governor in Council, and it shall be the duty of the superintendent.—

Duties.

- (a) to encourage and assist in the establishment of children's aid societies;
- (b) to advise such societies and instruct them as to the manner in which their duties are to be performed;
- (c) to see that a record in such form as may be prescribed by the Superintendent is kept by such societies of all committals, and of all children placed in foster homes under this Act and of such other particulars as may be deemed desirable;
- (d) to direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;
- (e) to prepare and submit an annual report to the Minister;
- (f) to visit and inspect industrial schools and shelters as may be directed by departmental regulations, and report at least twice each year to the Minister on the conditions, management and discipline of each industrial school, with suggestions for their improvement;
- (g) to keep accurate books of account of all moneys received by him as Superintendent showing in detail all receipts and payments;
- (h) to perform such other duties as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1914, c. 231, s. 4; 1914, c. 21, s. 49 (1, 2).

Superintendent
acting in
lieu of
children's
aid society.

- 4.** The Superintendent shall have and may exercise, in a county or district in which there is no children's aid society, all the powers conferred on a children's aid society, and shall have power to appoint such person as he may see fit to act for him under this section. 1914, c. 21, s. 50. *Amended.*

CHILDREN'S SHELTERS.

Children's
shelters.

- 5.**—(1) For the better protection of neglected children the corporation of every city or county shall provide, to the satisfaction of the Minister, one or more places of refuge for

such

such children only, to be known as temporary homes or shelters, and shall adequately maintain the same to the satisfaction of the Minister. R.S.O. 1914, c. 231, s. 6 (1); 1919, c. 65, s. 2.

(2) An orphan or children's home may, with the consent of the trustees or governing body thereof, be used as a temporary home or shelter under this section; and when desirable in the circumstances of the particular case and not inconsistent with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family. R.S.O. 1914, c. 231, s. 6 (2). *Amended.*

(3) Subject to the provisions of section 8, when a children's aid society has been established it shall receive into the temporary home or shelter provided by or at the expense of the municipality all children found to be neglected under this Act and have their supervision and management. R.S.O. 1914, c. 231, s. 6 (3); 1919, c. 65, s. 3.

(4) Any children's aid society may furnish temporary shelter to any child with the consent of the parents or parent or person in charge of the child and may charge the municipality in which such child is resident with the maintenance thereof at a rate not exceeding \$1 *per diem* on the written requisition of the mayor or reeve of such municipality. 1922, c. 92, s. 16.

COUNTY COMMITTEES.

6.—(1) In any electoral district, town or village there may be established by the children's aid society of the county, or by the Superintendent, a committee consisting of not less than six persons, at least one-half of whom shall if practicable be women, to be known as the "Children's Committee;" and the committee and the members thereof shall co-operate with the Superintendent and with the children's aid societies.

(2) The committee or any member thereof shall have and may exercise the powers conferred by sections 7 and 8 under the direction of the society, and may adopt such methods as they may think best for securing voluntary subscriptions to be devoted to carrying out the objects of this Act. R.S.O. 1914, c. 231, s. 7.

APPOINTMENT AS PROBATION OFFICERS.

7. The officers of a children's aid society may act as probation officers for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act*. R.S.O. 1914, c. 231, s. 8.

APPREHENSION OF NEGLECTED CHILDREN.

Neglected
child—
apprehen-
sion.

8.—(1) A constable or a person authorized under section 7 to act as a probation officer, or a chief constable or inspector of police may apprehend without warrant and take to a place of safety any apparently neglected child.

Proceedings
before
judge.

(2) The child shall be returned to its parents or guardians or be brought before the judge for examination within one week after apprehension, and the judge shall investigate the facts of the case and ascertain whether the child is a neglected child and its age, and the name, residence and religion of its parents. R.S.O. 1914, c. 231, s. 9 (1, 2).

Witnesses.

(3) The judge may compel the attendance of witnesses and may require the attendance of the Crown attorney upon such investigation, and for such attendance the Crown attorney shall be entitled to a fee of \$5 payable by the county. R.S.O. 1914, c. 231, s. 9 (3); 1918, c. 20, s. 42.

Notification
of parents,
guardians,
etc.

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parents or the person having the actual custody of the child, if he is in the custody of any person other than a parent, have been notified of the investigation, or that every reasonable effort has been made in the opinion of the judge to cause them to be so notified. 1916, c. 53, s. 3.

Taking
evidence on
apprehen-
sion of
child.

(5) The evidence of every witness shall be taken under oath and, unless taken by a stenographer, the judge shall cause the same to be taken down in writing and signed by the witness in the same manner as upon a preliminary investigation before a justice. 1916, c. 53, s. 3. *Amended.*

Who may
represent
child.

(6) The judge may hear any person on behalf of the child. *New.*

Custody
pending
hearing.

(7) Pending the hearing or determination of any such case the judge may make such order for the temporary custody and care of the child as he may deem proper. *New.*

Temporary
commitment
to society.

(8) If the judge shall find the child to be a neglected child he may order the temporary commitment of the child to a children's aid society to be maintained by it, and the society may then keep the child in its temporary home or shelter or in some suitable place other than a foster home as may be arranged or directed. *New.*

Permanent
commitment
to society.

(9) The judge shall also inquire and determine whether the circumstances justify the permanent commitment of the

child

child to the children's aid society and if he so finds may make an order to that effect, whereupon the child may be placed in a foster home, or, if the judge approves, elsewhere as authorized by subsection 8. *New.*

(10) The inquiry may be made at the hearing directed under subsection 2 or at any subsequent time as the judge may determine. *New.* Inquiry may be after hearing.

(11) The order shall contain a statement of the facts so far as ascertained, and shall name the municipal corporation liable for maintenance, and shall be filed with the Superintendent, and the judge shall transmit a certified copy thereof to the children's aid society. R.S.O. 1914, c. 231, s. 9 (6). Order to be filed with Superintendent and society.

(12) The expense of conveying a child to any shelter or industrial school shall be paid by the treasurer of the county, city, separated town or provisional judicial district in which such child is domiciled, and the person conveying such child shall, when practicable, be an officer of a children's aid society. Expenses of conveyance of child. R.S.O. 1914, c. 231, s. 9 (7); 1922, c. 92, s. 8.

(13) A certified copy of the evidence taken, and of other proceedings under the hand and seal of the judge, shall be transmitted to the Superintendent with the certified copy of the order of the judge. 1916, c. 53, s. 3. Proceedings to be certified to Superintendent.

9. The Superintendent and any person acting under his authority, or a local superintendent, may call to his aid in the performance of his duties a constable of the locality, and the constable when so called shall be entitled for his services to the same fees as he would be entitled to for like services under *The Administration of Justice Expenses Act*, and the same shall be payable in like manner as the fees of constables are payable under that Act. R.S.O. 1914, c. 231, s. 10; 1922, c. 92, s. 9. Employment of local constables.

10. The superintendent of any infants' or children's home or other public institution having the custody of children may bring before the judge any child who is neglected or deserted by his parents, or who is an orphan requiring guardianship, and the judge may make an order committing the child to the care of a children's aid society under the provisions of this Act. R.S.O. 1914, c. 231, s. 11. *Amended.* Committal of deserted child to a society.

MAINTENANCE OF CHILDREN.

11.—(1) In any direction for the temporary custody and care of a child pending the hearing or determination of the case, the judge may order and when committing a child to the custody or control of a children's aid society the Order for maintenance by municipality.

judge

judge shall order the payment by the corporation of the municipality to which the child belongs of a reasonable sum, not less than seventy-five cents a day, for the maintenance of the child by the society in a temporary home, an institution, a foster home or elsewhere where children are not cared for without compensation. R.S.O. 1914, c. 231, s. 12 (1); 1922, c. 92, s. 10. *Amended.*

~~What presumed to be residence of child.~~

(2) For the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody shall be presumed. R.S.O. 1914, c. 231, s. 12 (3).

~~Where child's residence insufficient, mother's taken.~~

(3) Where the child has not resided in any municipality in Ontario for one year, the municipality in which the child's mother has last resided for one year shall be deemed liable for maintenance. R.S.O. 1914, c. 231, s. 12 (4). *Amended.*

~~What periods to be excluded in fixing time.~~

(4) In the computation of the time in subsections 2 and 3, the time during which the child or its mother was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial medical or other care or supervision shall not be regarded and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded. 1922, c. 92, s. 12. *Amended.*

~~Judge to determine municipality liable.~~

(5) In all other cases the judge shall determine the municipality to which the child belongs. *New.*

~~Order for maintenance to be sent to municipality liable.~~

(6) A copy of the order, with a copy of the depositions, shall be forwarded by registered letter to the clerk of the municipality so declared liable for the expense of supporting the child. 1922, c. 92, s. 12.

~~Liability must be disputed within one month.~~

(7) Unless within one month after the mailing of the order the corporation of the municipality applies to the judge making the order, to vary such order by having some other municipality declared liable for the expense of supporting the child, the order shall be final and conclusive. 1922, c. 92, s. 12. *Amended.*

~~Recovery in other municipalities.~~

(8) The corporation of a municipality which has made a payment under the provisions of this section for the maintenance of a child in respect to whom some other municipal corporation is liable shall be entitled to recover the amount so paid from such other corporation. R.S.O. 1914, c. 231, s. 12 (5).

12.—(1) The judge may order the parent of a child who has been committed to a children's aid society or placed in a foster home to contribute toward the child's maintenance, or to refund to the municipality the whole or any part of the sum which it has been ordered to pay. R.S.O. 1914, c. 231, s. 13 (1). *Amended.*

(2) At any time after the committal of a child or its being placed in a foster home the children's aid society or foster parent may apply to the judge for an order for the payment of such additional maintenance as to him may seem just.

(3) Nothing in this section shall relieve the municipal corporation from payment when the parent is unable or refuses to contribute. R.S.O. 1914, c. 231, s. 13 (2, 3).

(4) An order made under this section may be enforced in the same manner as an order under *The Deserted Wives and Children's Maintenance Act, 1927.* R.S.O. 1914, c. 231, s. 13 (4). *Amended.*

TO SELECT FOSTER HOMES.

13.—(1) The children's aid society to the care of which a child has been committed shall be the legal guardian of such child, until such child has attained the age of twenty-one years or is adopted under the provisions of *The Adoption Act, 1927.* or some other legal guardian is appointed, or the guardianship is renounced by the children's aid society with the approval of the Superintendent, and it shall be the duty of such society to use diligence in providing a suitable home for such child. R.S.O. 1914, c. 231, s. 14 (1); 1922, c. 92, s. 13.

(2) The society may place the child in a foster home during minority, or for any shorter period in the discretion of such society, under a written contract which shall provide for the education of the child in accordance with the school law of Ontario, for teaching the child some useful occupation, for its kind and proper treatment as a member of the family, and for the payment to the society for the benefit of the child of any sum of money that may be provided for in the contract, and shall contain a provision reserving the right to withdraw the child from any person having his custody when, in the opinion of the society, or the Superintendent, the welfare of the child so requires. R.S.O. 1914, c. 231, s. 14 (2).

(3) Where the Superintendent is of opinion that a child placed in a foster home requires special training he may order such child to be transferred to an industrial school or other institution subject to the inspection of the Superintendent or of the Inspector of Prisons and Public Charities, and such

transfer shall have the same effect as if made by a judge. R.S.O. 1914, c. 231, s. 14 (3).

Filing of agreements.

(4) All such agreements shall be filed with the Superintendent, and the society shall in the month of January of each year report to the Superintendent all money received by them under such agreements. *New.*

PENALTY FOR ILL-TREATMENT.

Deserting, neglecting, etc.

14. Any person having the care, custody, control or charge of a child who abandons, deserts or neglects such child or inflicts unreasonable cruelty or ill-treatment upon such child not constituting an assault, shall be guilty of an offence and shall incur a penalty not exceeding \$100 and shall, in lieu of or in addition thereto, be liable to imprisonment for a term not exceeding one year. R.S.O. 1914, c. 231, s. 15. *Amended.*

Penalty.

STREET TRADES.

Street trades.

15.—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation. R.S.O. 1914, c. 231, s. 16; 1919, c. 65, s. 5.

Boys under sixteen.

(2) No boy under sixteen years of age shall engage in any street trade or occupation between the hours of ten o'clock in the afternoon and six o'clock in the forenoon of the following day. 1922, c. 92, s. 15. *Amended.*

CHILDREN OUT AT NIGHT.

Child in public place at night.

16.—(1) No child shall loiter in any public place after nine o'clock in the evening or be in any place of public resort or entertainment after that hour unless accompanied by his parent or guardian or an adult appointed by the parent or guardian to accompany such child.

To be . . . warned and taken home or to shelter.

(2) A child found violating the provisions of subsection 1 may be warned by any constable or probation officer or officer of a children's aid society, and if such warning is not regarded, or after such warning the child is again found disobeying the provisions of this section, such child may be taken by the constable or officer to his home or to the children's shelter.

Penalty for parent.

(3) A parent who permits his child to violate this section shall for the first offence incur a penalty of \$1 without costs, and for a second offence \$2, and for a third or any subsequent offence \$5. R.S.O. 1914, c. 231, s. 17. *Amended.*

CAUSING CHILDREN TO BE NEGLECTED.

Offences.

17.—(1) Any person who,—

- (a) causes or procures a child to be in any public place <sup>Causing
child to be.</sup> for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or
- (b) causes or procures a child to be in any public place <sup>To perform
or sell in
public after
9 p.m.</sup> for the purpose of singing, playing, or performing for profit, or offering anything for sale between nine o'clock in the evening of one day and seven o'clock of the following morning; or
- (c) subject to the provisions of subsection 2, causes or <sup>To be in
circus, etc.,
for purpose
of perform-
ing.</sup> procures any child to be at any time for the purpose of singing, playing or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public are admitted by payment;

shall incur a penalty not exceeding \$100 and in lieu of, or in ^{Penalty.} addition thereto, shall be liable to imprisonment for a term not exceeding one year. R.S.O. 1914, c. 231, s. 18 (1); 1919, c. 65, s. 6. *Amended.*

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment or in any circus, theatre or other place of public amusement, where it is shown that proper provision has been made to secure the health and kind treatment of a child proposed to be employed thereat, the head of the council of the municipality may grant a license for such time and during such hours of the day and subject to such restrictions and conditions as he may think fit for any child over ten years of age of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied; and such license may at any time be varied, added to or revoked by him. R.S.O. 1914, c. 231, s. 18 (2); 1919, c. 65, s. 7.

(3) The municipal council shall assign to some person the <sup>Officer to be
appointed to
supervise.</sup> duty of seeing that the restrictions and conditions of any license granted under the authority of this section are duly complied with; and such person shall have power to enter, inspect and examine any place at which the employment of a child is for the time being licensed; and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1914, c. 231, s. 18 (3).

POWER OF SEARCH.

18.—(1) If it appears to a judge or a justice of the peace, <sup>Search for
neglected
child.</sup> on information laid before him on oath,—

- (a) that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such justice; or
- (b) that a child who is a ward of the children's aid society has been unlawfully removed from the custody of such society and is being concealed or harboured in any place within his jurisdiction;

such justice may issue a warrant authorizing any person named therein to search for such child and to take it to and detain it in a place of safety until it can be brought before a judge, and the judge before whom the child is brought may cause it to be dealt with as provided for in this Act. R.S.O. 1914, c. 231, s. 19 (1); 1919, c. 65, s. 8. *Amended.*

Right of entry by officer.

(2) Any person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child therefrom. .

Particular description not needed.

(3) It shall not be necessary in any information or warrant laid or issued under the provisions of this section to describe the child by name. R.S.O. 1914, c. 231, s. 19 (3, 4).

INTERFERING WITH WARDS.

Interfering with wards of children's aid society.

19.—(1) No person shall,—

- (a) induce any child in the custody or control of any children's aid society, immigration society, children's institution or industrial school to leave the building and premises of such institution;
- (b) induce or attempt to induce a child under the age of twenty-one years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purpose of being nursed, supported, educated, adopted or employed;
- (c) induce or attempt to induce any child under the age of twenty-one years to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such children's aid society, immigration society, home or asylum respecting such child; or
- (d) detain or harbour such child after demand made by or on behalf of any officer of any such society or institution for delivery up of such child. R.S.O. 1914, c. 231, s. 20 (1). *Amended.*

(2) A person who violates the provisions of this section ^{Penalty.} shall incur a fine not exceeding \$100 and shall also be liable to imprisonment for a period of one year. R.S.O. 1914, c. 231, s. 20 (2); 1919, c. 65, s. 9. *Amended.*

20. The judge, upon the summary conviction of any person charged before him with a violation of any of the provisions of this Act, may impose conditions upon such person and may suspend sentence subject to such conditions, and upon proof at any time of the violation of any condition so imposed, may pass sentence upon such person. 1916, c. 21, s. 52. *Amended.*

JUVENILE OFFENDERS.

21.—(1) A child charged with an offence or who is brought before a judge under any of the provisions of this Act shall not, before trial or examination, be confined in a lock-up or a police cell used for persons charged with crime, nor, save as hereinafter mentioned, shall such child be tried or have its case disposed of in the police court room ordinarily used.

(2) The council of every local municipality shall make provision for the separate custody and detention of such child prior to its trial or examination by arrangement with some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells.

(3) The judge shall try such child or examine into its case and dispose thereof in premises other than the ordinary police court premises or, where this is not practicable, in the private office of the judge, if he has one, or in some other room in the municipal building.

(4) Where a children's aid society possesses premises affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until its case is disposed of; and the judge may hold the examination into the case of such child in the premises of the society.

(5) Where a child or a parent charged with an offence in respect of a child under this Act is being tried, the judge may exclude from the room or place where such person is being tried or examined all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent. R.S.O. 1914, c. 231, s. 21. *Amended.*

TO NOTIFY SOCIETY'S AGENT.

Notice of
complaint
against
child to be
sent to
society.

22.—(1) Where a complaint is made or pending against a child, the police official having charge of the child shall at once cause notice in writing to be given to the executive officer of the children's aid society, if there be one in the county or district, who shall have opportunity allowed him to investigate the charge.

Society's
officer to
make
enquiry.

(2) Upon receiving such notice the officer may enquire into and make full examination as to the parentage and surroundings of the child and all the circumstances of the case and report the same to the judge in open court.

Judge may
order officer
to take
charge of
child.

(3) Where it appears to the judge that the public interest and the interest of the child will be best served thereby, an order may be made for the return of the child to its parents or friends, or the judge may place such child under the guardianship of the children's aid society or of an industrial school. R.S.O. 1914, c. 231, s. 22. *Amended.*

DISPOSAL OF YOUTHFUL OFFENDERS.

Judge may
hand over
child to
home or
industrial
school.

23.—(1) The judge instead of committing a child to prison may hand over the child to the charge of a home for destitute and neglected children or industrial school or children's aid society, and the managers of such home, school or society may permit its adoption by a suitable person, or may apprentice it to a suitable trade, calling or service.

Interfer-
ence by
parent.

(2) The parents of such child shall not remove or interfere with the child so adopted or apprenticed except by permission in writing of the home, school or society. R.S.O. 1914, c. 231, s. 23. *Amended.*

CHILDREN UNDER ARREST.

Child not
to be con-
fined in
company of
adult
offenders.

24. A child held for trial or under sentence in any gaol or other place of confinement shall not be placed or allowed to remain in the same cell or room in company with adult prisoners; and the officer in charge of such place of confinement shall secure the exclusion of such child from the society of adult prisoners during its confinement. R.S.O. 1914, c. 231, s. 24. *Amended.*

DOUBT AS TO AGE.

Presum-
ptive age of
child.

25. Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age unless the contrary is proved. R.S.O. 1914, c. 231, s. 26.

APPLICATION FOR PRODUCTION OF CHILD.

26.—(1) Where a parent applies to a judge of the Supreme Court for an order for the production of a child committed under this Act, and the judge is of opinion that the parent has neglected or deserted the child or that he has otherwise so conducted himself that the judge should refuse to enforce his right to the custody of the child the judge may, in his discretion, decline to make the order.

(2) If at the time of the application the child is being brought up by another person or has been placed out by a children's aid society, the judge, if he directs the child to be given up to the parent, may order that the parent shall pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just.

(3) Where a parent has,—

Order when
child
deserted or
brought up
by others.

- (a) abandoned or deserted his child; or
- (b) allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless he satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

(4) If the judge is of opinion that the parent ought not to have the custody of the child, but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the judge shall have power to make such order as he may think fit to secure that the child be brought up in that religion.

(5) Nothing in this section shall affect the power of the judge to consult the wishes of the child in determining what order ought to be made or any right which a child now possesses to exercise its own free choice. R.S.O. 1914, c. 231, s. 27.

RELIGION OF CHILD.

27.—(1) A Protestant child shall not be committed to the care of a Roman Catholic children's aid society or institution,

Roman
Catholic
and
Protestant
child.

nor

nor shall a Roman Catholic child be committed to a Protestant children's aid society or institution; and a Protestant child shall not be placed out in any Roman Catholic family as its foster home, nor shall a Roman Catholic child be placed out in any Protestant family as its foster home.

Where only
one society
in municip-
ality.

(2) This section shall not apply to the care of a child in a temporary home or shelter in a municipality in which there is but one children's aid society. R.S.O. 1914, c. 231, s. 28. *Amended.*

When child
to be
deemed
Protestant
or Roman
Catholic.

(3) A child shall be deemed to be a Protestant child if its father is a Protestant, and a child shall be deemed to be a Roman Catholic child if its father is a Roman Catholic, unless it is shown that an agreement had been entered into in writing, signed by the parents, that the child should be brought up in the faith of its mother and that faith is not the faith of its father.

Illegitimate
child.

(4) The illegitimate child of a Protestant mother shall be deemed to be a Protestant child, and the illegitimate child of a Roman Catholic mother shall be deemed to be a Roman Catholic child. 1916, c. 53, s. 4. *Amended.*

Right of
Superin-
tendent to
inspect.

RIGHT OF INSPECTION.

28. Every society or person to whose care a child is committed under the provisions of this Act, and every person intrusted with the care of any such child, shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by the Superintendent or any person duly authorized in that behalf. R.S.O. 1914, c. 231, s. 30.

Municipal
by-laws in
aid.

29. The council of every municipality shall have power to pass by-laws for the levying of such amounts as it may be deemed necessary or desirable to raise for the purpose of complying with any obligation imposed on such municipality by any provision of this Act, or for the purpose of affording to a children's aid society such other assistance as may be deemed desirable. 1922, c. 92, s. 11.

JUVENILE IMMIGRATION

Authority
to bring
children
into Ontario.

30.—(1) The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into Ontario neglected or dependent children, who are not feeble-minded and who before arrival in Ontario are certified by a regularly qualified medical practitioner to be free from disease of any kind, for the purpose of providing foster homes for such children or binding them as apprentices or otherwise.

(2) Authority to bring such children into Ontario shall only be granted on condition that if any such child becomes, within five years of his immigration, an inmate of a prison, hospital or other charitable institution where such child is likely to become a permanent charge, the Inspector of Prisons and Public Charities shall notify the society or agent under whose auspices the child was brought into Ontario in order that such child may be deported. R.S.O. 1914, c. 231, s. 31.

31.—(1) Every such society or agent shall keep a record in a register prescribed by the Superintendent for that purpose of the names of all children brought into Ontario, their ages and such particulars as may be required to indicate the provision made for each child's adoption or apprenticeship; and a copy of the records made by each society or agent shall be filed with the Superintendent on the 1st day of January and July of each year. *Societies to keep records.*

(2) Any society or agent who knowingly makes or is a party to the making of or procuring to be made, directly or indirectly, any false return shall incur a penalty of \$1,000 which may be recovered with costs by action at the suit of the Crown only. R.S.O. 1914, c. 231, s. 32. *Penalty for false return.*

32. A children's aid society may be formed having among its objects the purposes of the protection of children from cruelty, the care and control of neglected children, and generally the discharge of the functions of a children's aid society under this Act, but no such society shall be authorized to act as such until the formation of the society has been approved by the Lieutenant-Governor in Council. *New.* *Formation of children's aid society.*

33. Upon the approval of the Lieutenant-Governor in Council a children's aid society shall become a body corporate *society may hold property.* and politic and may buy, sell, lease, hold or otherwise deal with real and personal property for the purposes of the society and may contract in its corporate name. R.S.O. 1914, c. 231, s. 6 (4). *Amended.*

34. If a society or committee established under this Act ceases to exist or is dissolved by the Lieutenant-Governor in Council, or does not hold a meeting for a period of six months, the secretary or other officer shall deliver to the Superintendent all books, documents, records and financial statements, and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the Minister, and the Superintendent shall then reorganize the work or make such arrangements for carrying it on as the Minister may approve. R.S.O. 1914, c. 231, s. 6 (5). *Amended.* *Dissolution of society.*

Government
and officers
of children's
aid society.

35. A children's aid society shall be governed by a board of directors or executive committee composed of a president, one or more vice-presidents, a secretary, a treasurer, a local superintendent, and such other officers and members as may be determined, elected in such manner and for such period as is provided by the constitution or by-laws of the society. 1922, c. 92, s. 16.

Local super-
intendents.

36. Two or more children's aid societies may appoint the same local superintendent. 1922, c. 92, s. 16.

Powers of
local super-
intendents.

37. Every local superintendent of a children's aid society shall for the purposes of this Act be vested with the powers of a peace officer or a school attendance officer under *The School Attendance Act*, and he shall be deemed an officer within the meaning of section 11 of *The Public Authorities Protection Act* and the said section and other provisions of the said Act shall apply to him in the same manner and to the same extent as to the other officers mentioned in the said section 11. 1922, c. 92, s. 16.

Revocation
of approval.

38. The Lieutenant-Governor in Council may at any time revoke his approval of any children's aid society and thereupon the said society shall be dissolved. *New.*

Repeal.

39. The following Acts and parts of Acts are hereby repealed.

R.S.O. 1914, Chapter 231—The Whole.
 1914, Chapter 21, sections 49, 50, 51 and 52.
 1916, Chapter 53—The Whole.
 1918, Chapter 20, section 42.
 1919, Chapter 65—The Whole.
 1922, Chapter 92—The Whole.

Commencement
of Act.

40. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 79.

An Act to amend The Counties Reforestation Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Counties Reforestation Act*, Short title
1927.
2. Section 3 of *The Counties Reforestation Act* is amended Rev. Stat.
c. 240, s. 3,
amended. by striking out the word "Agriculture" in the third line and inserting in lieu thereof the words "Lands and Forests."
3. This Act shall come into force on the day upon which Commencement of
Act. it receives the Royal Assent.

CHAPTER 80.

An Act respecting the Protection of Cattle.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.
1927.

1. This Act may be cited as *The Protection of Cattle Act.*

Penalty for
permitting
bull to run
at large.

2. The owner of any bull found off his owner's premises, not confined or led by an attendant shall incur a penalty of \$25.

Damages
recoverable
where cow
got in calf.

3. Where a cow is got in calf by a bull running at large, the owner of the cow shall be entitled to recover the full amount of actual damage or loss sustained by him, from the owner of the bull.

By-law
preventing
collection
of service
fees.

4. The council of a county may by by-law provide that no service fees shall be collectible in such county for the use of bulls which have not been registered.

"Better
Bull
Area."

5.—(1) The council of a county may require the assessors in the county or any other person appointed by the council for that purpose, to ascertain the number of bulls in the county together with such other particulars as may be necessary to determine the number of pure-bred bulls eight months of age or over, and where it appears from such report that the number of such pure-bred bulls is not less than eighty per centum of the total number of bulls in the county the council may by by-law provide that such county shall be known as a "Better Bull Area."

Keeping
registered
bulls for
service.

(2) After the passing of such by-law and while the same remains in force,—

(a) no one in such county shall keep for public service or offer for use or sale except for slaughtering, any bull eight months of age or over which is not pure bred;

(b)

(b) service fees shall not be collectible in such county ^{Service fees not collectible.} for the service of any bull which is not registered;

(c) every person who contravenes the provisions of ^{Penalty.} clause (a) or clause (b) shall incur a penalty of not less than \$10.

6. The penalties imposed under this Act shall be recoverable under *The Ontario Summary Convictions Act, 1926.* ^{Recovery of penalties.}

7. This Act shall not apply to a provisional judicial district or to the provisional county of Haliburton. ^{Act not to apply in certain cases.}

8. *The Protection of Pure Bred Cattle Act* is repealed. ^{1914, c. 43, repealed.}

9. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

CHAPTER 81.

An Act respecting the Control of Noxious Weeds.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Weed Control Act, 1927.*

Interpretation. **2.** In this Act and in any regulation made hereunder, unless the context otherwise requires,—

"Advertisement." **(a)** "Advertisement" shall mean a printed public notice;

"Inspector." **(b)** "Inspector" shall mean any officer charged by a municipal council with the enforcement of this Act, or by the Minister as hereinafter provided;

"Minister." **(c)** "Minister" shall mean Minister of Agriculture;

"Non-resident land." **(d)** "Non-resident Land" shall mean land which is unoccupied and the owner of which is not resident within the municipality;

"Noxious weed." **(e)** "Noxious Weed" shall mean any plant designated noxious by the regulations;

"Regulations." **(f)** "Regulations" shall mean regulations made under the authority of this Act;

"Resident land." **(g)** "Resident Land" shall mean land which is occupied or which is owned by a person resident within the municipality;

"Unorganized township." **(h)** "Unorganized Townships" shall mean townships without municipal organization.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—^{Regulations.}

- (a) prescribing the plants that shall be deemed noxious weeds;
- (b) providing for the appointment or employment of such officials as may from time to time be required for the proper administration of this Act;
- (c) providing for the giving of notice of the provisions of the Act and of the regulations to persons to whom such notice should be given and the manner of giving the same;
- (d) generally for the better carrying out of the provisions of this Act.

4. Every occupant of land, or if the land is unoccupied, ^{Destruction of weeds.} the owner, shall destroy all weeds designated noxious by the regulations, as often in every year as is sufficient to prevent the ripening of their seeds.

5.—(1) The council of every city, town, village and township shall appoint at least one inspector to enforce the provisions of this Act in the municipality and fix the amount of the remuneration, fees or charges he is to receive for the performance of his duties, and if a vacancy occurs in the office the council shall fill the same forthwith. ^{Appointment of inspector.}

(2) The council may by by-law divide the municipality into sections or divisions for the carrying out of this Act and may appoint inspectors for such divisions, whose duties and powers shall in all respects be the same as those of the township ^{Division of municipalities into sections and appointment of inspectors.} inspector. R.S.O. 1914, c. 253, s. 6.

6.—(1) Where a council neglects or refuses to appoint an inspector as provided in section 5, the Minister may by writing under his hand, appoint an inspector or inspectors for the municipality and may fix the amount of the remuneration, fees or charges payable to such inspector or inspectors. ^{Appointment of inspector by Minister.}

(2) Such remuneration, fees and charges shall be paid to the inspector or inspectors upon the order in writing of the Minister addressed to the treasurer of the municipality. ^{Remuneration of inspector.}

7.—(1) The inspector shall keep an account of the expenses incurred by him in carrying out the provisions of this Act with respect to each parcel of land entered upon, and shall deliver a statement of such expenses describing the land entered upon and verified by oath to the owner or occupant of resident land with a notice requiring him to pay the amount. ^{Account of expenses on payment thereof.}

(a) In the case of a railway company, the statement and notice may be served in the manner provided by subsection 2 of section 7.

Appeal to
council
against
excessive
charge.

(2) If the owner or occupant deems such expenses excessive, he may appeal to the council within thirty days after delivery of such statement, and the council shall determine the matter in dispute.

Proceedings
upon de-
fault in
payment.

(3) If the owner or occupant refuses or neglects to pay such expenses within thirty days after request for payment, the claim shall be presented to the council and the council shall audit the same and allow it, or so much thereof as may be deemed just, and order the same to be paid from the general funds of the corporation.

Provisions
as to
expenses in
case of non-
resident
land.

(4) The inspector shall also present to the council a similar statement verified by oath of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident land, and the council shall audit and allow the same, or so much thereof as may be deemed just, and shall pay so much of it as has been so allowed.

Collection
of expenses
by munici-
pality.

(5) The council shall cause all such sums as have been so allowed and paid to be placed upon the tax roll of the municipality against the land described in the statement of the inspector to be collected in the same manner as other taxes.
R.S.O. 1914, c. 253, s. 8.

Duties of
overseers
of highways
as to noxious
weeds.

8.—(1) Overseers of highways, or other municipal officers charged with the care of highways, shall see that all noxious weeds growing upon the highways in their respective divisions are cut down or destroyed at the proper time to prevent the ripening of their seed, and the work shall be performed as part of the ordinary statute labour, or be paid for at a reasonable rate by the treasurer of the municipality as the council of the municipality may direct.

In unorga-
nized
townships.

(2) In unorganized townships where road commissioners have been appointed, every owner or occupant shall cut down and destroy at the proper time to prevent the ripening of their seed, all noxious weeds growing on any highway adjoining such land from the boundary of such land to the centre line of the highway, and in case of default after notice from the road commissioners requiring such work to be done on or before a day named in the notice, such owner or occupant shall incur a penalty of \$5 for each lot or parcel in respect of which default is made, and the penalty when recovered shall be paid to the road commissioners, and be expended in improving the roads in such townships.

(3) Where such default occurs the road commissioners may perform the work in place of such owner or occupant, and the cost thereof, at the prevailing rate for each day's labour involved, shall be recoverable as a debt due by such owner or occupant to the road commissioners in any court of competent jurisdiction. R.S.O. 1914, c. 253, s. 9. *Amended.*

9. Any owner or occupant of land who contravenes any of the provisions of this Act or who refuses or neglects to obey any lawful order of the inspector given under this Act shall incur a penalty of not less than \$20 nor more than \$50 for every such offence. R.S.O. 1914, c. 253, s. 10. *Amended.*

10.—The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act, 1926*, and, except as provided by subsection 2 of section 9, shall, when recovered, be paid over to the treasurer of the municipality in which the offence is committed. R.S.O. 1914, c. 253, s. 14.

11. The following Acts and parts of Acts are hereby repealed:

R.S.O. 1914, Chapter 253—The whole.

1916, Chapter 59—The whole.

1920, Chapter 94—The whole.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

CHAPTER 82.

An Act respecting Live Stock and Live Stock Products.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Live Stock and Products Act, 1927.*

Dom. Stat.
1917, c. 32,
to have
force of law
in Ontario.

2. The provisions of *The Live Stock and Live Stock Products Act*, enacted by the Parliament of Canada and the amendments heretofore made thereto, so far as any of them are within the legislative competence of this Legislature, shall have the force of law in the Province of Ontario as if enacted by this Legislature and unless and until otherwise enacted by this Legislature shall remain in full force and effect in this Province.

Amend-
ments and
regulations
to come into
force upon
Proclama-
tion.

3. The Lieutenant-Governor in Council may by Proclamation declare any amendment hereafter made to the said Act, and any regulations heretofore or hereafter made thereunder, so far as any of them are within the legislative competence of this Legislature, to have the force of law in the Province of Ontario as if enacted by this Legislature, and unless and until otherwise enacted by this Legislature such amendment or regulations shall remain in full force and effect in this Province.

Saving of
provincial
legislative
jurisdiction.

4. Nothing in this Act contained, shall be deemed to be or construed as an admission or a declaration by this Legislature that any of the provisions of the said Act, the amendments thereto, or regulations made thereunder are within the legislative competence of the Parliament of Canada nor be deemed to be an undertaking or agreement by this Legislature to maintain any of the provisions thereof in force in Ontario, and this Legislature shall be entitled at any time hereafter to enact legislation within its legislative competence upon any subject matter dealt with therein.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER

CHAPTER 83.

An Act respecting dealings in Fruit and Vegetables
on Commission.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fruit and Vegetables Consignment Act, 1927.* Short title.

2. In this Act,—

Interpre-
tation.

(a) "Commission Agent" shall mean any person who receives and handles fruit and vegetables on commission; "Commission agent."

(b) "Shipper" shall mean any person who consigns fruit and vegetables for sale on commission. "Shipper."

3. It shall be the duty of every commission agent to keep books in such form and for such time as may be prescribed by the regulations made under the authority of this Act, provided that such books shall include a record of fruit and vegetables received by such commission agent and the persons to whom and the prices at which such fruit and vegetables are disposed of. Books to be kept by commission agent.

4.—(1) If any fruit or vegetables arrive in a damaged or deteriorated condition it shall be the duty of the commission agent to immediately notify the shipper of such condition, giving particulars as to the effect on prices and the apparent cause wherever possible. Report as to damaged shipments.

(2) If no such notice is given by the commission agent the fruit and vegetables shall be deemed to have been received in normal condition. When shipment deemed in normal condition.

5.—(1) Every commission agent shall immediately notify the shipper of the sale in detail of any fruit or vegetables and disposition and prices received for same. Agent's report of receipt and sale of fruit and vegetables.

Payment to
be made
within ten
days of sale.

(2) After commission and other legitimate charges have been deducted, payment shall be made by the commission agent to the shipper as sale is made or within ten days thereafter, until the entire consignment is paid for.

Notice of
Intention to
purchase.

6. No commission agent shall purchase any fruit or vegetables consigned to him on commission unless he has previously given clear notice to the shipper of his desire to do so and has obtained the consent of the shipper to such purchase.

Examination
of books.

7. Every commission agent shall permit any shipper to examine his books and records in so far as they relate to the consignment of such shipper.

Penalty.

8. Every person who is guilty of a violation of any of the provisions of this Act shall incur a penalty of not less than \$50 nor more than \$100 for each offence and the same shall be recoverable under the provisions of *The Ontario Summary Convictions Act, 1926*.

Regulations.

9. The Lieutenant-Governor in Council may make regulations prescribing the forms in which books of records and accounts shall be kept by persons receiving fruit or vegetables on consignment and for the better carrying out of this Act.

Commencement of
Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 84.

An Act to amend The Line Fences Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** This Act may be cited as *The Line Fences Amendment Act, 1927.* Short title.
- 2.** Subsection 1 of section 13 of *The Line Fences Act* is Rev. Stat.
c. 259, s. 13,
subs. 1. amended by inserting after the figure "\$2" in the first line, amended. the words "or such larger amount, not exceeding \$5, as the council may by by-law fix."
- 3.** This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

CHAPTER 85.

An Act to amend The Cemetery Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Cemetery Amendment Act, 1927.*

1926, c. 63.
s. 15, amend-
ed.

2. Section 15 of *The Cemetery Act* is amended by adding at the end thereof the words "or any part of such lot in which no interment has been made."

1926, c. 63
s. 18,
repealed.

3. Section 18 of *The Cemetery Act* is repealed and the following substituted therefor:

Right to
charge
owner with
cost of main-
tenance.

18. The owner of any cemetery which is not operated for gain or profit, may maintain any lot, tomb, monument or enclosure which is not being properly maintained by or on behalf of the owner thereof and the reasonable charges for so doing shall be a debt due by the lot owner to the owner of the cemetery.

1926, c. 63,
s. 28, subs. 1
amended.

4.—(1) Subsection 1 of section 28 of *The Cemetery Act* is amended by inserting after the word "sale" in the eleventh line the words "except as otherwise provided in subsection 3 of this section."

1926, c. 63,
s. 28,
amended.

(2) The said section 28 is further amended by adding thereto the following subsection:

Where fund
for per-
petual care
maintained
and lots sold.

(3) Where the owner of a cemetery which is not operated for gain or profit maintains a fund for the perpetual care of the cemetery, and plots or parts of plots are sold under the provisions of this section, then the owner shall apply the proceeds received from such sale, or so much as may be available, in the following order and priority:

Application
of proceeds
of sale.

Firstly.—In reduction or satisfaction of all arrears due to the owner for the maintenance charges referred to in subsection 1.

Secondly.

Secondly.—In providing for the perpetual care of that part of the lot in which an interment has been made.

Thirdly.—Any balance remaining to be carried to the credit of the perpetual care fund maintained by such cemetery.

5. This Act shall come into force on the day upon which ^{Commencement of Act} it receives the Royal Assent.

CHAPTER 86.

An Act respecting the Game, Fur-bearing Animals and Fisheries of Ontario.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I.

INTERPRETATION AND GENERAL PROVISIONS.

Short title. **1.** This Act may be cited as *The Ontario Game and Fisheries Act, 1927.*

Application of Act. **2.** This Act and the Regulations shall apply to all game, hunting, shooting, trapping, fish, fisheries, fishing and all rights and matters relating thereto.

Interpretation. **3.** In this Act and in the Regulations:

"Close season." **(a)** "Close season" shall mean a specified period during which fish and game may not legally be taken.

"Deputy Minister." **(b)** "Deputy Minister" shall mean the chief officer in charge of the Game and Fisheries Department of the Public Service.

"Fishery." **(c)** "Fishery" shall mean and include the stretch of water, locality, premises, place or station described in the Regulations, or in a permit or license, in or from which fish may be taken, and all nets, plants and appliances used in connection therewith.

"Game." **(d)** "Game" shall mean and include all fur-bearing animals and all animals and birds protected by this Act and the Regulations, and heads, skins and every part of such animals and birds.

(e)

- (e) "Guide" shall mean any person that receives payment or remuneration of any kind for services rendered as a guide for angling or hunting parties.
- (f) "Hunt" shall mean and include any chasing, pursuing, worrying, following after, or on the trail of, or any searching for, shooting at, stalking, or lying in wait for any game, whether or not such game be then or subsequently captured, killed or injured.
- (g) "License" or "Permit" shall mean an instrument issued under the authority of this Act and the Regulations conferring upon the licensee or permittee the right to do the things therein mentioned, subject to such conditions, restrictions and limitations as are therein and in this Act and the Regulations contained; but no license or permit shall be deemed to be or to operate as a demise or lease.
- (h) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act and the Regulations.
- (i) "Non-resident" shall mean any person who has not resided in the Province of Ontario for a period of twelve months preceding the time that his residence becomes material under the provisions of this Act.
- (j) "Officer" shall mean and include assistant deputy minister, inspector, district warden, special patrol, overseer and any other officer or person authorized to assist in the propagation of game or fish and the enforcement of this Act and the Regulations.
- (k) "One day" shall mean from sunrise to sunset (standard time).
- (l) "Open season" shall mean a specified period during which fish and game may legally be taken.
- (m) "Person" shall mean any individual (including Indians), firm or body corporate.
- (n) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act.
- (o) "Resident" shall mean any person who has resided in the Province of Ontario for a period of twelve months preceding the time that his residence becomes material under the provisions of this Act.
- (p) "Unprime" when applied to skins or pelts of fur-bearing animals shall mean any skin or pelt that shows natural markings of a dark or bluish colour on the flesh side.

Administration.

4.—(1) The administration of this Act and the Regulations and all matters relating to fish and game in all parts of the Province, notwithstanding any other Act or Acts, shall be under the control and direction of the Minister and shall constitute a department of the public service to be known as the Game and Fisheries Department.

Remuneration of officers, etc.

(2) The remuneration of all officers of the Game and Fisheries Department and of all other persons employed to perform any duty in connection therewith, or to assist in the enforcement of this Act and the Regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such money as may be appropriated for that purpose by this Legislature.

Exclusive right to fish in navigable waters only by express grant.

5. The grant by patent, issued before or after the passing of this Act, of the bed of any navigable water, or of any lake or river shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the water which covers or flows over the land so granted.

Payment of fees, fines, etc.

6. Save as otherwise provided by this Act and the Regulations, all rentals, license fees, fines, penalties, proceeds of sales or articles confiscated, and other receipts, fees and revenue under this Act and the Regulations, or under any lease, license or other instrument thereby authorized, shall be payable to the Treasurer of Ontario.

PART II.

Regulations.

REGULATIONS.

7.—(1) The Lieutenant-Governor in Council may make Regulations,—

Custody of archives and records

(a) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, orders-in-council, documents and accounts in the custody of the Government of the Dominion of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario;

(b) providing that every person holding any lease or license issued under this Act, and all fish companies and fish dealers, shall keep such records and make such reports and returns as may be prescribed;

Records, etc., and returns by licensees and others.

(c)

- (c) containing such further and other provisions as may be deemed necessary or desirable for the administration and enforcement of this Act and of the Regulations;
- (d) prohibiting for a period of not more than three years at a time the hunting, shooting, purchase, sale and possession in Ontario or any section thereof, of any game bird, non-game bird, or any insectivorous bird, whether migratory or non-migratory, which may appear to require further protection than is afforded by this Act; *Other provisions of birds.*
- (e) varying the close season in any part of the Province where local conditions or climatic conditions will warrant a change, but such variations shall not extend beyond one season; *Varying close seasons.*
- (f) prohibiting or regulating the possession of air guns, guns, rifles or other fire-arms, in any part of Ontario in which it may appear that it is desirable to take special means to prevent violation of this Act; *Forbidding the possession of guns.*
- (g) prohibiting persons assisting hunters or hunting parties, anglers or angling parties from acting as guides except under the authority of a license or permit; *Licensing guides.*
- (h) requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou; *Employing licensed guides.*
- (i) designating certain parts of Ontario in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any game bird or animal at any time of the year, subject to such exception in favour of the residents or settlers as may be deemed reasonable; *Crown game preserves.*
- (j) exempting Indians in the northerly and north-westerly or other sparsely settled parts of Ontario, whether organized or unorganized, from any provisions of this Act, which may be specified in the Order-in-Council; *Exempting Indians from provisions of Act.*
- (k) prohibiting fishing except under the authority of a license issued on the terms and conditions prescribed by the Regulations; *Forbidding fishing except under license.*
- (l) preventing the destruction and improper, wasteful or excessive taking of fish; *Wasteful and destructive fishing.*

(m)

- N.B.—
The following sections of this Act shall be construed and applied as follows:
- (m) prescribing the number, size and weight of any species of fish that may be caught, possessed, purchased or sold;
 - Frogs. (n) restricting the taking of frogs and setting apart any suitable Provincial waters for the cultivation and propagation of frogs;
 - Sale of certain game birds, fish. (o) prohibiting or regulating the purchase and sale of, or traffic in, snipe, quail, woodcock, partridge, pheasants or other game birds, speckled trout, bass and maskinonge;
 - Sale of imported game if lawfully procured. (p) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the province, state or country in which the same was killed or procured;
 - Possession, etc., of fish in close season. (q) prohibiting the possession, purchase, sale and transportation of any species of fish in the close season;
 - Terms of license. (r) governing the issue of licenses and permits, prescribing the terms and conditions thereof, the period for which the same shall be in force, and the fees payable in respect thereof;
 - Special license to guest of Province. (s) for granting, without fee, a special permit to enable a guest of the Province of Ontario to angle, hunt and shoot therein;
 - Administration. (t) for the administration of the Game and Fisheries Department;
 - Appointment of officers. (u) for the appointment of the Deputy Minister, officers, servants and other persons whose assistance he may deem requisite for the purposes of this Act and Regulations, and for their remuneration;
 - Making certain officers Justices of the Peace. (v) conferring upon certain officers by special appointment the powers of justices of the peace for the purposes of this Act and of the Regulations;
 - Varying conditions of section 63. (w) varying the conditions of section 63 of this Act where conditions may warrant.
- Promulgation. (2) The Regulations shall come into force upon publication thereof in the *Ontario Gazette*, or upon such later date as may be therein stated.

PART III.

OPEN SEASONS.

8. It shall be unlawful for any person to hunt, kill or ^{Open seasons.} destroy,—

- (a) any deer, moose or caribou in that part of Ontario ^{Deer, moose, etc., north of C.N.R.} lying north of the main line of the Canadian Government Railway, formerly the Grand Trunk Pacific Railway, from Quebec to the Manitoba boundary line, except from the 15th day of September to the 30th day of November, both days inclusive;
- (b) any deer, moose or caribou throughout that part of Ontario ^{Deer, moose, etc., north and west of French and Mattawa Rivers.} lying north and west of the French and Mattawa Rivers, other than the territory designated in clause *a* of this section, except from the 10th day of October to the 30th day of November, both days inclusive; provided, however, that on St. Joseph's Island in the District of Algoma, the open season ^{St. Joseph's Island.} shall be from the 15th day of November to the 30th day of November, both days inclusive;
- (c) any deer, moose or caribou in that part of Ontario ^{Deer, moose, etc., south of French and Mattawa Rivers.} lying south of the French and Mattawa Rivers, except from the 1st day of November to the 30th day of November, both days inclusive;
- (d) any ruffed grouse (commonly known as birch Grouse, etc., partridge), Canada grouse (commonly known as spruce partridge), European gray partridge (commonly known as Hungarian partridge), pheasant, sharp-tailed grouse (commonly known as prairie chicken), prairie hen (commonly known as pinnated grouse), quail or wild turkey, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;
- (e) any woodcock, except from the 15th day of September to the 30th day of November, both days inclusive;
- (f) any wild goose or wild duck, except from the 1st Wild goose and duck. day of September to the 15th day of December in any one year, both days inclusive, other than wood and eider duck, which may only be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;

(g)

Pigeons;
cranes and
other water
fowl.

(g) any band-tailed pigeons, little brown cranes, sand-hill cranes, whooping cranes, swans, black-breasted and golden plover, Wilson or Jack snipe and the greater and lesser yellow legs and all shore birds, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

Wild native
birds.

9.—(1) It shall be unlawful for any person to shoot, destroy, wound, molest, take or have in possession, or attempt to shoot, destroy, wound, molest, or take any bird protected by this Act and the Regulations, during an unlawful period, and any other wild native bird at any time, other than goshawks, sharp-shinned hawks, great-horned owls, crows, cowbirds, blackbirds (grackles) and house sparrows;

Treasured
period.
1.4.1.

(2) It shall be unlawful for any person to use, set or maintain any net, trap, snare, spring, cage or other appliance for the purpose of either capturing or killing any bird protected under the provisions of subsection 1, and such appliances may be destroyed by any person without incurring any liability therefor.

Beaver and
otter.

10.—(1) It shall be unlawful for any person to hunt, take, kill or have in possession the carcass, skin or any part of any beaver or otter, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

Muskrat.

(2) It shall be unlawful for any person to hunt, take, or kill, or have in possession the carcass, skin or any part of any muskrat in that part of the Province lying south of the French and Mattawa Rivers, except from the 1st day of March to the 21st day of April, and in that part of the Province lying north of the French and Mattawa Rivers, from the 1st day of April to the 21st day of May.

Fisher,
marten and
mink.

(3) It shall be unlawful for any person to hunt, take or kill, or have in possession the carcass, skin or any part of any fisher, marten or mink except between the 1st day of November and the 31st day of March, both days inclusive.

Raccoon.

(4) It shall be unlawful for any person to hunt, take or kill, or have in possession the carcass, skin or any part of a raccoon except between the 1st day of November and the 31st day of December, both days inclusive.

Black and
grey
squirrel.

(5) It shall be unlawful for any person to hunt, take, or kill, or have in possession the carcass, skin or any part of any black or grey squirrel except during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

PART IV.

LICENSES OR PERMITS REQUIRED.

11.—(1) Non-residents shall not hunt, take, kill, wound or destroy any animal or bird or carry or use a firearm or air gun for such purpose, except under the authority of a license, and in all actions and prosecutions under this subsection the possession of any fire-arm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such animals or birds.

(2) No resident shall hunt, take, trap, shoot, kill or molest, or attempt to hunt, take, trap, shoot, kill or molest, any fur-bearing animal except under the authority of a license or permit, but this shall not apply to a farmer or his sons trapping upon the lands of such farmer, animals other than beaver and otter during the various open seasons, nor shall this apply to the taking of bear and wolf, nor to fox taken by gun and dog.

(3) Notwithstanding the provisions of subsection 2, every resident who uses any fire-arm or air gun for the purpose of hunting or shooting any protected or unprotected bird or animal in the counties of Welland, Lincoln, Wentworth, Peel, Halton and York, except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to farmers residing and hunting on their own farms, and in all actions and prosecutions under this subsection the possession of any fire-arm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals.

12.—(1) It shall be unlawful for any person to engage in the business of cold storage of game except under the authority of a license.

(2) It shall be unlawful for any hotel, boarding-house, camp, restaurant or club to be in possession of any game except under the authority of a license.

(3) It shall be unlawful for any person to buy, sell or expose for sale game that may be legally sold, other than fur-bearing animals, except under the authority of a license, but this shall not apply to bear, but all pelts taken therefrom will be subject to the provisions of section 26 of this Act.

(4) It shall be unlawful, except under the authority of a license, and as in this section expressly provided, for any person or any servant, clerk, or agent of such person, to buy, sell, expose or keep for sale, directly or indirectly, on any pretence

Non-resident
license.

License to
hunt, trap,
etc.

Exception as
to farmers.

Use of fire-
arms without
license pro-
hibited in
certain
counties.

Exception as
to farmers.

Exception as
to farmers.

Cold
storage
license.

Hotel,
restaurant
or club
license.

Game
dealer's
license.

Purchase
and sale of
moose, deer,
and caribou
without
license—
exceptions.

pretence

pretence or device, for any valuable consideration, barter, give, or obtain, to or from any other person, any moose, deer or caribou wherever killed or procured; but the person who has actually and lawfully hunted, taken or killed any such animal may sell the same, or any part thereof, during the open season; and any person may buy from such person, or from the holder of a game dealer's license, any moose, deer or caribou which such person or licensee is at the time of sale authorized to sell under the provisions of this Act and the Regulations.

Fur
dresser's
and tanner's
license.

13. It shall be unlawful for any person to engage in, carry on or be concerned in tanning, dressing, plucking, dyeing, or in any way undertake to dress, tan, pluck or treat any fur-bearing animal or any raw or undressed skin or pelt of such animal upon which a royalty may be levied by the Government, except under the authority of a license.

Deer
license.

14. It shall be unlawful for any person to hunt, take, kill, molest, wound or destroy any deer, moose, or caribou, except under the authority of a license.

Special
license or
permit for
taking fish
or spawn.

15. It shall be unlawful for any person to take, in any manner at any time, any fish or spawn from Provincial waters for the purpose of stocking, artificial breeding or for scientific purposes, except under the authority of a permit or special license.

Licenses
and regu-
lations re
Nipigon
waters.

16.—(1) It shall be unlawful for any person to capture fish by any means in the waters of Lake Nipigon, Fraser Creek and that portion of the Nipigon River lying north and west of Lake Helen in the District of Thunder Bay, except under the authority of a license.

Application
of section.

(2) This section and the conditions applicable to licenses, authorizing such fishing shall apply to all guides, boatmen, canoemen, camp assistants or helpers of any kind of a fishing party or person holding any such license.

Fur dealer's
license.

17. It shall be unlawful for any person to engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade, or to be in possession of fur-bearing animals or skins or pelts thereof, except under the authority of a license.

License
necessary to
propagate
game.

18.—(1) It shall be unlawful for any person to breed or propagate game, or to be in possession of game for such purpose, except under the authority of a license for such period and on such terms and conditions as may be prescribed by

the Lieutenant-Governor in Council, provided, however, that the Minister may issue a permit to have in possession live game for scientific and educational purposes.

(2) It shall be unlawful for any person to take game during the close season for educational or scientific purposes, except under the authority of a permit issued by the Minister. Permit to take game, etc., for educational or scientific purposes.

19. It shall be unlawful for any person for hire, gain or reward, or hope thereof, to guide for hunting, shooting or angling parties, except under the authority of a license, which may be issued upon such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, and any person who engages or employs any person by hire, gain, reward or hope thereof, for the purpose of guiding hunting, shooting or angling parties, who is not in possession of a current guide's license, shall be guilty of an offence against this Act. Guide's license.

20.—(1) A license shall not be transferable and every person who buys, sells, exchanges or in any way becomes a party to the transfer of any license or shipping coupon, or in any way uses or attempts to use a license or coupon issued to any other person shall be guilty of an offence against this Act. Illegal transfer of license.

(2) A license may be cancelled by the Deputy Minister, Cancellation of license. subject to appeal to the Minister, for a contravention by the licensee, or by any person with his connivance, of this Act or of the Regulations, or of any of the terms and conditions of the license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention.

(3) The issue of a license shall be in the discretion of the License discretionary. Deputy Minister, subject to appeal to the Minister.

(4) It shall be unlawful for any person who has obtained a license or permit under the provisions of this Act and the Production of license on demand. Regulations to refuse to produce or show such license or permit to any officer of the Department as often as reasonably requested, and upon failure or refusal, such license or permit shall be forfeited.

(5) It shall be unlawful for any person who is not a resident to be in possession of a license to hunt and trap fur-bearing animals, provided, however, that a non-resident hunting license will permit the holder thereof to take bears and wolves. Trapping licenses issued only to residents.

PART V.

LICENSE FEES.

*Hunting
licenses.***21.** A license may be issued,—*Non-
residents.*

(a) to non-residents to hunt and shoot, and the fees for such licenses shall be,—

\$20—For license to hunt and shoot game birds and rabbits by non-residents, together with a fee of \$1 for the issuing of same.

\$40—For license to hunt and shoot by non-residents, together with a fee of \$1 for the issuing of same;

*Residents of
Ontario.*

(b) to a resident of Ontario to hunt deer and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same, provided, however, that a farmer actually living upon and tilling his own land in the districts of Haliburton, Muskoka, Parry Sound, Nipissing and Manitoulin and that part of the Province lying north and west thereof, may kill one deer for his own use during the regular open season upon paying a license fee of eighty cents, together with a fee of twenty cents for the issuing of same, but only one farmer's deer license may be procured by each household, and deer taken thereunder must not be sold or bartered;

*Organized
hunting
camps.*

(c) to organized hunting camps of residents of Ontario, of not less than six in number, and one license for every six holders of resident deer licenses in organized hunting parties, and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same;

*Moose and
caribou.*

(d) to a resident of Ontario to hunt moose or caribou, and the fee for such license shall be \$5.50, together with a fee of fifty cents for the issuing of same;

*For use of
fire-arms in
certain
counties.*

(e) to a resident of Ontario not under fifteen years of age to use fire-arms or air guns for hunting purposes as demanded under the provisions of subsection 3 of section 11, and the fee for such license shall be \$1.75, together with a fee of twenty-five cents for the issuing of same;

- (f) to a resident of Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be \$4.50, together with a fee of fifty cents for the issuing of the same.

22. A license may be issued—

- (a) to any person engaged in the business of cold storage of game, and the fee shall be in cities \$10, and in towns and all other municipalities \$5;
- (b) to any person to buy and sell any game that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities \$10, and in towns \$5, and in all other places \$2;
- (c) to any hotel, boarding-house, camp, restaurant or club to buy, sell, or be in possession of any game, that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities \$10, and in towns \$5, and in all other places \$2.

23. A license may be issued to any person to buy and sell fur-bearing animals or the skins or pelts thereof, and the fees for such licenses shall be:

For a resident British subject on specific premises, to be known as "Store" license.....	\$25 00
For a resident British subject where premises are not designated, to be known as "Travelling" fur buyer.....	100 00
For a resident of the Province who is not a British subject, and for a non-resident.....	200 00
For a resident British subject on specific premises, to be known as "Wholesale" license.....	100 00
For non-resident wholesale buyers purchasing direct from holders of a "Wholesale" license	5 00
For a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "Restricted" license...	1 00

24. A license may be issued to any person engaged in the business of dressing, plucking, dyeing, tanning or other process of curing skins of fur-bearing animals, and the fee for the same shall be \$10.

25. A license may be issued to residents of Ontario to angle in the waters set forth in section 16, for every two weeks or portion thereof, and the fee shall be \$5, together with a fee of fifty cents for the issuing of same, and a license

may be issued to non-residents of Ontario to angle in the waters set forth in section 16, and the fee shall be \$10 for every week or any portion thereof, together with a fee of fifty cents for the issuing of same.

PART VI.

ROYALTIES ON FUR-BEARING ANIMALS OR PELTS THEREOF.

Royalties.

26. It shall be unlawful for any person to ship to any point outside of the Province, or attempt to take or ship to any point outside of the Province any fur-bearing animal or raw or undressed skin or pelt thereof, or to have such animal, skin or pelt sent to a tanner or a taxidermist to be dressed or plucked or treated in any way, without first having obtained a license from the Department, and paying a royalty on each and every animal, skin or pelt, as follows:

Bear.....	\$0 60	Marten.....	\$1 00
Beaver.....	1 00	Mink.....	25
Fisher.....	1 50	Muskrat.....	05
Fox (cross).....	1 50	Otter.....	2 00
Fox (red).....	75	Raccoon.....	10
Fox (silver or black).....	5 00	Skunk.....	10
Fox (white).....	1 50	Weasel (Ermine)...	05
Fox (not specified)..	50	Wolverine.....	40
Lynx.....	50		

Such royalties apply to any pelts that may become damaged or destroyed by any means, but shall not apply to fox bred on fur farms operating within the Province under the authority of a license issued by the Minister, provided that satisfactory proof is furnished by the fur farm licensee, nor shall such royalties apply to pelts imported from outside of the Province, if an affidavit is furnished proving their place of origin to the satisfaction of the Department.

PART VII.

MISCELLANEOUS.

Special provision as to shooting.

27. Notwithstanding anything in this Act, a person who puts, breeds or imports game, other than fur-bearing animals, upon his own land for the purpose of breeding and preserving the same, may hunt, take or kill any such game during the regular open seasons for the territory in which such game is kept, but the onus of proof that the game was so put or bred shall rest on the person hunting or killing the same.

Governing the taking of muskrat, beaver and otter, and protection to muskrat and beaver houses.

28.—(1) It shall be unlawful for any person to shoot or spear any muskrat, beaver or otter at any time, or to cut, spear, break or destroy at any time a muskrat or beaver house or beaver dam, or set or place a trap closer than five

feet to a beaver house or muskrat house, burrow, feed-house or push-up.

(2) It shall be unlawful for any person to molest or destroy a den or usual place of habitation of any fur-bearing animal, other than a wolf.

(3) Without lawful excuse, it shall be unlawful for any person to have in possession or in the possession of his servant or agent, or any other person on his behalf at any time the skins of fur-bearing animals protected by this Act, while such skin is in an unprime condition, except skins of muskrat taken in accordance with subsection 1 of section 29.

29.—(1) Nothing in this Act shall apply to any person destroying any fur-bearing animal, other than beaver, on his own lands in defence or preservation of his property by any means at any time, but skins so taken, of animals in respect of which there is a close season shall be reported to the Department within ten days after the animals have been taken and shall not be offered for sale or barter during the close season except under the authority of a permit issued by the Deputy Minister, and any fur dealer possessing such skins shall hold the permit so issued, and forward same to the Department when applying for a license to ship out of the Province or to dress or tan the skins.

(2) The onus of proving the justification under the next preceding subsection shall be on the person destroying any such animals.

(3) The Deputy Minister may at any time by order in writing direct the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in Ontario in which, in the opinion of the Deputy Minister, beaver are causing damage to a highway or to private property, but all beaver so taken or killed shall be duly accounted for and handed over to the Department.

30. It shall be unlawful for any person at any time to hunt, kill, take or molest any female moose of any age, or any male moose under the age of one year, or any caribou—^{Calves of moose and caribou, also female moose,—not to be taken.}

31.—(1) It shall be unlawful for a resident during any one year or season to kill or take more than one deer under a resident deer license, and one bull moose or caribou over one year of age, under the authority of a moose license, but this shall not apply to deer which are the private property of any resident, and which have been killed or taken by him or by his direction or with his consent in or upon his own land in accordance with the provisions of section 27 of this Act.

Number of deer, etc., which may be taken by non-residents.

(2) It shall be unlawful for a non-resident during any one year or season to kill or take more than one deer and one bull moose or caribou, under the authority of a non-resident hunting license.

(3) Two or more persons hunting together and holding licenses may kill an aggregate of not more than one deer for each member of the party, but this shall not apply to deer taken by residents under the authority of a special camp license, which entitles organized resident hunting parties to kill one deer to be eaten in camp, and such license may be issued to every six residents.

32.—(1) No owner of any dog shall permit such dog to run at large during the close season for deer in a locality where deer usually inhabit or are found.

(2) Any person harbouring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any dog found running deer during the close season shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and he shall not be liable to any penalty or damage therefor.

(3) Any person or persons who has lost a dog used in hunting deer or is unable to find such animal at the termination of the hunt shall report the loss to the Department in writing at once, giving a description of the dog and the locality in which the loss occurred.

Flesh and skin not to be wasted.

33. No person who has taken or killed any bird or animal suitable for food shall allow the flesh thereof to be destroyed or spoilt, and no person who has killed or taken a fur-bearing animal shall allow the skin thereof to be destroyed or spoilt.

Possession of game in close season.

34. It shall be unlawful for any person during the close season to have in possession or in the possession of his servant or agent, or of any other person on his behalf, any game, wherever killed or procured, except that,—

(a) any deer, moose, caribou and birds protected by this Act and the Regulations, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the following year, unless otherwise provided for under the Regulations;

(b) any skins or pelts of fur-bearing animals taken in the Province of Ontario may be had in possession during the close season under the authority of a

holding permit, provided, however, that such holding permit must be applied for within ten days after the end of the open season; and the skins or pelts of fur-bearing animals taken outside of the Province of Ontario may be had in possession during the close season under the authority of a holding permit which must be applied for within forty-eight hours after such pelts are received.

35.—(1) No wild duck, goose or other water fowl shall be hunted, taken, chased or killed from an aeroplane, sail-boat, yacht or launch propelled by steam or other power.

(2) No swivel gun, or gun of any kind of a larger bore or gauge than 8, and no contrivance for taking or killing wild swans, geese or ducks, known as monitors, sunken punts or batteries, or boats of any kind other than ordinary row-boats and canoes propelled by hand shall be used at any time.

(3) No blinds or decoys for use in hunting ducks or other water fowl shall be placed at a greater distance than two hundred yards from the shore or a natural rush bed thick enough to conceal a boat, or from a water line bounding private property, and all decoys shall be removed from the water during the hours in which shooting is prohibited, and no person shall set out more than one flock of decoys, and no flock of decoys shall consist of more than fifty, and no two flocks shall be placed nearer each other than one hundred yards, but this shall not apply to two persons hunting together who may place an aggregate of one hundred decoys in a flock.

(4) No person shall take or kill more than twenty-five wild ducks in any one day, and not more than two hundred wild ducks in any one year.

(5) It shall be unlawful for any person to sell or purchase any wild ducks, wild geese, or other water fowl, snipe, quail, woodcock, pheasant, European gray partridge (commonly known as Hungarian partridge), ruffed grouse (commonly known as partridge), prairie chicken, pinnated grouse, deer, moose or caribou, or to expose such animals, birds or fowl on any commercial premises, or for any restaurant, camp, boarding-house, hotel or club to have such birds served or mentioned on a bill of fare.

36. It shall be unlawful for any person to take, or kill, or attempt to take or kill, any game by use of poisons, or for a trapper to be in possession of poison.

37. It shall be unlawful for any person to trap or take any deer, moose, caribou or any game bird protected by this Act and the Regulations, by means of traps, nets, snares,

baited line or other similar contrivances, or to set such traps, nets, snares, baited line, or contrivance for such animals or birds at any time, and the same if so set, may be destroyed by any person without incurring any liability for so doing.

When shooting prohibited.

38. It shall be unlawful for any person to discharge any air gun, gun or other fire-arm in any locality where game is usually found between sunset on Saturday night and sunrise on Monday morning following (Standard time), or between sunset and sunrise (Standard time) at any other time.

Shooting for hire prohibited

39. It shall be unlawful for any person for hire, gain or reward or hope thereof, to hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do.

Live birds, eggs and nests not to be taken.

40. It shall be unlawful for any person to take, destroy or have in possession at any time any live bird protected by this Act and the Regulations, or the eggs or nests of such birds, but this shall not apply to any person who is in possession of a license or permit issued or approved of by the Department to engage in the business of propagating such birds, or to take or have in possession such birds' eggs or nests for educational or scientific purposes.

Prohibiting carrying loaded fire-arms in motor cars etc.

41. It shall not be lawful for any person at any time to carry a loaded air-gun, shotgun or rifle in or on, or discharge the same from a motor car or other vehicle, and an air-gun, shotgun or rifle carrying loaded shells or cartridges in the magazine shall be deemed to be loaded within the meaning of this section.

Automatic shot-guns prohibited

42. It shall be unlawful for any person to hunt or carry for that purpose any shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun.

Certain employees not to carry or possess fire-arms.

43.—(1) It shall be unlawful for any person employed in any lumber camp or in connection with the construction or maintenance of any railway or public work to have in possession in the vicinity of such lumber camp, railway or other public work, any gun or other fire-arm except as may be authorized by special permit, but this shall not apply to a resident employed by a railway company, provided that such employee does not carry or be in possession of a fire-arm on a railway velocipede or handcar, whether propelled by hand or motor power.

Nature of permit to do so.

(2) The special permit may be subject to such terms as the Deputy Minister may direct, and the ordinary hunting license provided for in this Act shall be deemed to be a license or permit under this section.

44. It shall be unlawful for any person to tear down, with notices remove, injure, deface or interfere with any notice or sign posted or placed under the authority of the Department. *Interfering with notices prohibited*

45. The Minister may authorize to be set apart any waters for the natural or artificial propagation of fish. *Setting apart waters for the propagation of fish.*

46.—(1) It shall be unlawful for any person to take fish by any means in any waters protected by this Act and the Regulations, or in waters set apart for the propagation of fish, but this shall not apply to the taking of fish under authority given by the Department for the stocking and rearing of fish for public waters. *Fishing in protected waters prohibited.*

(2) Every net that is set for the taking of fish, shall have attached thereto a buoy at each end, when in use, and every pole used for setting baited hooks, pursuant to the Regulations, shall have the name of the owner legibly marked on two pieces of metal or wood, attached to it, and the marks shall be preserved on such nets or poles during the fishing season so as to be visible without taking up the nets or poles, and any net or any such pole without such marks, together with the hooks attached thereto, shall be liable to confiscation. *Nets or poles to be marked with name of owner.*

(3) Where a fishery is in charge of any person other than the owner, either as occupant or servant, and any of the provisions of this Act and the Regulations are contravened by any such person or by any owner, they shall be jointly and severally liable for all penalties incurred and all money recoverable in respect of such contravention. *Joint liability of owner and agent.*

(4) Disputes between persons relative to fishing limits, or claims to fishery locations or stations, or to the position and use of nets and other fishing apparatus, shall be settled by the local overseer subject to appeal to the Deputy Minister. *Disputes, adjustments.*

(5) It shall be unlawful for any person to angle for purpose of sale or traffic in fishing grounds or waters licensed for the express purpose of net fishing and occupied by the licensee for such purpose, or to angle for any purpose within twenty-five yards of a pound net. *Restriction on angling in licensed waters.*

47.—(1) It shall be unlawful for any person to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act and the Regulations, without the written consent of the Deputy Minister. *Transfer of license.*

(2) If an error has been made in the issuing of any license or permit from any cause, such license or permit may be cancelled by the Deputy Minister, but the licensee or permittee shall have no claim for indemnity or compensation in *Licencee or permittee not entitled to compensation in case of error.*

connection therewith, other than the adjustment of any excess fee collected.

48. It shall be unlawful for any hotel, restaurant, boarding house, camp or club to serve as a part of a meal any game or fish under any pretended name, or to serve any article of food under a false name and classified as any game or fish, the sale of which is prohibited under the provisions of this Act and the Regulations.

49. It shall be unlawful for any employee of a railway company, express company, or other common carrier, or any person engaged in the business of cold storage, or dealing in game and fish, lumbering, or in charge of any camp near any fishery or near any place where game is usually found, or any person holding a license or permit issued by the Department, or any person owning or in charge of a motor vehicle to refuse any officer permission to enter and inspect any railway car, building, premises, enclosure or motor vehicle, or any receptacle, for the purpose of examining all game and fish taken, and all implements and appliances for hunting and fishing; or for any of the persons named in this section to refuse an officer to examine any book, invoice or document containing any entry or memorandum relating to fish and game, which the officer suspects to be illegally killed or possessed; and all such parties shall afford every reasonable facility for such search, and in the case of a refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct such examination.

50.—(1) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport or cause to be transported, or receive or have in possession any deer, moose or caribou, or any head, or other part thereof, unless there is attached thereto one of the shipping coupons belonging to a license, but this shall not apply to shipments of pelts from such animals legally taken.

(2) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport, or cause to be transported, or receive or have in possession any deer, moose or caribou, or any part thereof, during the close season, or after the expiry of the shipping coupon attached thereto, except under the authority of a permit issued by the Department.

(3) If an affidavit, satisfactory to the Department, is furnished, a permit may be issued at any time to transport moose, deer or caribou, or any part thereof, that has been legally taken.

Supplying
under
pretended
name
of food.

Inspection
to be
facilitated
by licensees,
permittees
and others.

Transport-
ing deer,
moose or
caribou.

Transport-
ing deer,
moose or
caribou in
close season.

Deer,
moose, etc.
—without
SHIPPING
COUPON.

51.—(1) There shall be attached to every hunting license one or more shipping coupons plainly marked with the description of the game for hunting which the license is issued, and there shall be printed or stamped upon the coupon the date when it will expire, which shall not be later than four days after the last day of the open season for which the license is issued.

(2) Where any deer, moose or caribou, or any part thereof, is presented for shipment a coupon shall be detached from the license and signed by the person to whom the license is issued in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal or part thereof, or to the receptacle in which it is contained, and thereupon such shipping agent or clerk shall write across the face of the coupon the word "cancelled," provided, however, where any deer, moose or caribou or any part thereof is being transported other than by a common carrier, the coupon must be attached to such animal and cancelled by the licensee before transporting same.

(3) It shall be unlawful for any person to contravene any provision of the next two preceding subsections, or use a coupon after the expiry thereof, or ship or assist in the shipping of anything without a coupon to which a coupon is required.

52. Nothing contained in this Act or the Regulations shall prevent the importation of game if accompanied by an affidavit satisfactory to the Department, that the same was legally taken.

53. It shall be unlawful for any railway or express company or other common carrier, or any other person, to receive or have in possession, or to ship or transport to any point or place any fish or game caught or killed within Ontario at a time or in a manner prohibited by law.

54. The Department may issue permits not inconsistent with any law of the Dominion of Canada, authorizing the exportation from the Province or the transportation within the Province, at any time, of any fish or game whether alive or dead.

55. All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in such manner as to give a list and description of the contents, and the name and address of the consignee and consignor, and this shall apply to

pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals shall only be made either by express or by parcel post.

Exporting deer, etc., by holders of non-resident licences.

56.—(1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game actually and lawfully killed by him in excess of the following: One deer, one bull-moose or caribou, one hundred ducks, and bears or bear pelts provided an export permit has been secured, and in accordance with the provisions of section 26 of this Act, when exporting bear or bear pelts.

Shipping coupon.

(2) The shipping coupon belonging to such license shall be attached to every such animal and to the receptacle containing it or any part of it, or containing any ducks.

Refunding fee.

57. The Minister may direct the refund of the fee paid for any license, or any part of such fee, where, owing to the license not having been used, or having been used for part only of the period for which it was issued he deems it just so to do, and the Treasurer of Ontario, upon the written request of the Minister, shall cause a cheque to be issued for the amount of such refund.

Taking and dealing with fish.

58.—(1) The Minister may, by the officers and employees of the Department, take from the waters of Ontario fish of any kind, and may cause the same to be stored, transported, distributed and sold in such quantities and at such prices and upon such terms as the Minister may determine.

Appointment of officers, clerks and servants.

(2) The Minister may employ such officers, clerks and servants as he may deem necessary for the purposes of this section, may define their duties and powers and fix the salaries or other remuneration payable to them.

Expenses, how payable.

(3) The expenses of carrying out this section shall be payable out of any moneys appropriated by the Legislature for that purpose, and any moneys received from sales or otherwise under this section shall be duly accounted for and be paid over into the Consolidated Revenue Fund.

PART VIII.

ADMINISTRATION.

Deputy Minister, and others.

59.—(1) There shall be a Deputy Minister of Game and Fisheries, officers, servants and other persons, who shall be appointed by the Lieutenant-Governor in Council, and shall perform such duties as may be assigned to them by the Minister or the Deputy Minister.

(2) The Deputy Minister shall, before entering upon his ^{Oath.} duties, take and subscribe an oath to faithfully perform the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose.

(3) For the purposes of *The Public Service Act*, the Game and Fisheries Branch shall be deemed a Department and the Deputy Minister shall have and perform the like powers and duties as are conferred or imposed upon a Deputy Minister by that or any other Act in like cases.

(4) An officer shall, before acting, take and subscribe the ^{Oath to be taken before acting.}

I, A. B., Inspector (*or as the case may be*) appointed under the provisions of *The Ontario Game and Fisheries Act*, do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such Inspector (*or as the case may be*), according to the true intent and meaning of *The Ontario Game and Fisheries Act* and the Regulations.

So help me God.

(5) The Deputy Minister, Assistant Deputy Minister' Officers inspectors and district wardens shall be justices of the peace ^{authorized to act as justices of the peace.} in and for every county or district for the purposes of this Act and the Regulations, and may take informations and issue warrants or summonses in any county or district, returnable in the county or district in which the offence is alleged to have been committed.

60.—(1) Subject to the approval of the Minister, the Officers ^{appointed.} Deputy Minister may appoint such officers, servants and other persons as he may deem necessary for the enforcement of the provisions of this Act and the Regulations, and to determine the remuneration to be paid for the services of such officers, servants and other persons, and may in his discretion dismiss any of them.

(2) An officer shall have the authority of a constable for Officers' powers. the purposes of this Act and the Regulations, and shall have authority to stop and search, without a search warrant, any vehicle, boat or launch where the officer has reasonable grounds to believe such vehicle, boat or launch contains any fish or game illegally taken.

(3) Every officer on view of a violation of this Act or the Arrest on Regulations, may arrest the person committing same, without view. process, and bring him with reasonable diligence before a competent court to be dealt with according to law.

Duty to search.

(4) Every officer, if he has reason to suspect and does suspect that game or fish have been killed, taken or shipped or are had in possession contrary to the provisions of this Act or the Regulations, and are contained in any trunk, box, bag, parcel or receptacle, shall open the same, entering all premises, which under the provisions of this Act he is authorized to enter, and using necessary force, in case the owner or person in charge obstructs or refuses to facilitate his search, and if such officer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse, railway car or building, which he is not under the provisions of this Act authorized to enter without a search warrant, he shall make a deposition, before a justice of the peace, and demand a search warrant to search such store, private house, warehouse, railway car or building, and thereupon such justice of the peace may issue a search warrant.

Duty to seize.

(5) Every officer shall forthwith seize all game and fish and all boats, vehicles, motor cars, aeroplanes, air guns, guns, decoys, nets, lines, tackle, appliances, materials and articles used or had in possession contrary to the provisions of this Act or the Regulations, and shall deal with them according to law.

Duty to investigate and prosecute.

(6) Every officer shall investigate all violations of this Act or the Regulations brought to his notice, and prosecute every person whom he may have reasonable cause to believe guilty of any offence.

Right of passage.

(7) In the discharge of his duties, every officer and every person by him accompanied, or authorized for that purpose, may enter upon and pass through or over private property, without being liable for trespass.

Inspection of camps.

(8) Every officer may inspect all camps occupied by angling and hunting parties, and may direct what arrangements shall be made in regard to sanitary matters, the disposal of refuse and the extermination of fires.

Obstructing officers in the discharge of their duty.

(9) Any person who obstructs, hinders, delays or interferes with an officer in the discharge of his duty, by violence or by means of threats, or by giving false information, or in any other manner, shall be guilty of an offence against this Act.

Neglect to fulfil duties.

(10) It shall be unlawful for any officer or other person authorized to enforce the provisions of this Act and the Regulations, to neglect or refuse to perform any of the duties pertaining to his office.

Abuse of power.

(11) Any officer who maliciously abuses his power shall be guilty of an offence against this Act.

61.—(1) Subject to the approval of the Minister, the Deputy Game and Fishery Wardens—
Deputy Minister may appoint deputy game and fishery wardens, in and for any part of Ontario, and may in his appointment dismiss them, but all such appointments shall expire annually on the 31st day of December.

(2) Deputy game and fishery wardens shall be appointed Remuneration.—without salary.

(3) Deputy game and fishery wardens shall have the To have the authority of constables for the purposes of this Act and the authority of constables. Regulations.

PART IX.

62.—(1) It shall be unlawful for any person at any time Prohibition as to enter-
to enter with any sporting implements in his possession, or ing standing
permit his dog to enter into any growing or standing grain without the permission of the owner, or to hunt, shoot or with any sporting implement in his possession go upon any enclosed or unenclosed land after having had notice not to hunt or shoot thereon.

(a) In this section “owner” shall mean and include every person being the owner of an interest in any land entitling him to the possession thereof, but shall not include the holder of a timber license.

(2) The notice may be given,—

Notice of prohibition.

(a) in writing;

(b) by maintaining sign-boards at least one foot square and not more than eighty rods apart on or near the boundary of the land intended to be protected, or upon the shores of any water covering the same, or any part thereof, containing a notice in the following form or to the like effect: “Hunting or shooting is prohibited.”

(3) It shall be unlawful for any person,—

Unlawful erection of notices.

(a) without authority to put up or cause to be put up any such notice on any land of which he is not the owner or to the possession of which he is not entitled; or

(b) to tear down, remove, injure, deface or interfere with any notice lawfully put up.

(4) Nothing in this section shall limit or in any way affect the remedy at common law of any owner for trespass. Section not to affect remedy at common law for trespass.

PART

PART X.

PROCEDURE—EVIDENCE—PENALTIES.

Prosecutions, before whom taken. **63.**—(1) Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act, or *The Dominion Fisheries Act* or the Special Fishery Regulations for Ontario, may be brought and heard before any person authorized by this Act to act as a justice of the peace, notwithstanding anything in any other Act or Acts, or before any police magistrate for the county, district, village, town or city in which the offence was committed, or if near any boundary between the different counties or districts, then in either.

Limitation. (2) The information or complaint shall be laid within twelve months after the commission of the offence, except in the case of a prosecution for omission to make any return required by this Act or the Regulations.

Offences. (3) A contravention of this Act or of the Regulations or the terms or conditions of a permit or license shall be and may be stated as an offence against this Act.

Description of offence. (4) The description of an offence, in the words either of this Act or of the Regulations, or in any similar words, shall be sufficient, and an information or complaint may be for two or more offences.

Conviction on view. (5) Any person authorized by this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or the Regulations.

Separate offences. (6) A violation of this Act or the Regulations shall constitute a separate offence in respect of each animal or bird which is the subject thereof.

Offences of same kind on same day. (7) Upon the trial of any prosecution under this Act or the Regulations, the justice shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction.

Committal on non-payment of fine. (8) The justice shall, by the conviction, adjudge that the offender be imprisoned for any term not exceeding three months unless the penalty, the costs and charges of prosecution and commitment, and of conveying the offender to prison, are sooner paid.

Defects of form. (9) A conviction or order made in any manner arising under this Act or the Regulations, either originally or on appeal,

shall

shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by *certiorari* or otherwise either at the instance of the Crown or any private person into the Supreme Court.

(10) In all prosecutions under this Act or the Regulations, ^{Procedure, 1926, c. 31.} save when herein otherwise provided, the procedure shall be governed by *The Ontario Summary Convictions Act, 1926.*

64.—(1) In all actions and prosecutions under this Act or ^{Oonus of 1926, c. 31.} the Regulations, or regarding conditions of licenses or permits, the onus shall be upon the person to prove that such game, fish, or any part thereof, was lawfully taken, killed or procured.

(2) The finding of any net, fishing device or other article set ^{Finding nets to be evidence.} in violation of this Act or the Regulations, shall be *prima facie* evidence of the guilt of the person owning, possessing or operating the same.

(3) In all actions and prosecutions under this Act or the ^{Possession, etc.} Regulations, the possession of a gun, decoy, or other implement for shooting or hunting in or near any place where any game is likely to be found, shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such game.

65.—(1) Any licensee or permittee who violates the conditions of his license or permit, shall for each offence incur a ^{Penalty for violation of license or permit.} penalty of not less than \$10 and not more than \$300.

(2) Any person who commits an offence against this Act or the Regulations in respect of deer, moose or caribou, shall for each such offence incur a penalty of not less than \$20 and not more than \$100.

(3) Any person who commits an offence against this Act or the Regulations in respect to beaver, otter, fisher or marten, or the skins or pelts of such animals (other than the exporting thereof) shall for each such offence incur a penalty of not less than \$20 and not more than \$100 for each pelt the subject thereof.

(4) Any person who commits an offence against this Act or the Regulations in respect to the exporting of beaver, otter, fisher or marten, or the skins or pelts thereof, shall for each offence incur a penalty of not less than \$30 and not more than \$200 for each skin or pelt the subject thereof.

Penalties as to fur-bearing animals other than beaver, otter, fisher or marten.

(5) Any person who commits an offence against this Act or the Regulations in respect to any fur-bearing animal upon which a royalty is levied under the provisions of section 26 (other than beaver, otter, fisher, or marten) shall for each such offence incur a penalty of not less than \$1 and not more than \$20 for each skin or pelt the subject thereof.

Penalties.

(6) Except as herein otherwise provided, any person who commits any offence against this Act or the Regulations, shall for each such offence incur a penalty of not less than \$10 and not more than \$100.

Second and third offences.

(7) Any person who after having been convicted of an offence against this Act, or the Regulations, within two years again offends against this Act or the Regulations, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter shall incur a penalty of not less than the maximum penalty provided for the offence.

Obstructing officers.

(8) Any person convicted of obstructing, hindering, delaying or interfering with an officer in the discharge of his duty by violence or by means of threats, or by means of giving false information or in any other manner, shall for each such offence incur a penalty of not less than \$100 and not more than \$500.

Remission or reduction of penalties.

(9) No justice shall have power to remit any penalty or to reduce the amount of the penalty in case of conviction, provided, however, that when the conviction amounts to more than \$200 the Minister may remit the excess thereof.

Seizure and confiscation of game and other property.

66.—(1) All motor vehicles, aeroplanes, guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle and all appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every description found in the possession of any person deemed to have committed an offence against this Act or the Regulations shall be seized, and upon conviction be forfeited and become the property of His Majesty in the custody of the Department, to be sold; provided, however, that where a seizure has been made from an unknown party, or where no legal action has been taken regarding any seizure where a violation of this Act or the Regulations has occurred, the Department may sell any article seized.

Licenced seines to be seized.

(2) Any seine net found in or in the vicinity of waters in which fishing by seines is prohibited, or found in or in the vicinity of waters in which fishing by seines is permitted,

where

where such net is not claimed within two days by a person who is licensed so to fish, shall be seized and forfeited and become the property of His Majesty in the custody of the Department to be sold.

(3) Where the Minister is satisfied that the seizure or confiscation of any article or thing would work undue hardship or injustice and the value of such article is in excess of \$100, the Minister may grant relief against such forfeiture and direct the return of the article or thing to the person from whom the same has been taken, upon such terms as he may deem just.

(4) The Deputy Minister may authorize any officer to destroy any article placed under seizure that is at all times unlawful, or any article having no commercial value, and may also authorize any perishable game or fish to be given to any charitable institution.

(5) A license or permit held by any person convicted of an offence against this Act or the Regulations, or the Dominion Special Fishery Regulations for the Province of Ontario, shall be deemed to be cancelled upon conviction, without further action or notice, but the Minister may authorize the reinstatement of any license or permit where the cancellation thereof has been made by reason of a first conviction for an offence against the provisions of this Act or the Regulations during a period of two years.

67. The following Acts and parts of Acts are hereby repealed:

R.S.O. 1914, chapter 262—The whole.
 1914, Chapter 46—The whole.
 1915, Chapter 20, Section 23.
 1916, Chapter 60—The whole.
 1917, Chapter 27, Section 37.
 1918, Chapter 48—The whole; Chapter 49—The whole.
 1919, Chapter 72—The whole.
 1920, Chapter 97—The whole.
 1921, Chapter 87—The whole.
 1922, Chapter 97—The whole.
 1924, Chapter 80—The whole.
 1925, Chapter 76—The whole.
 1926, Chapter 64—The whole.

68. This Act shall come into force on the day upon which it receives the Royal Assent.

*Relief from
forfeiture in
certain cases.*

Disposal.

*Conviction
to cancel
license.*

Repeal.

Commencement of Act.

CHAPTER 87.

An Act to amend The Wolf Bounty Act, 1924.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Wolf Bounty Act, 1927.*

1924, c. 81.
s. 5, repealed.

2. Section 5 of *The Wolf Bounty Act, 1924.* is repealed and the following substituted therefor,—

Proof of
killing by
affidavit for
bounty.

5. Where in any county a person has killed a wolf and produces the whole skin of the same, within a period of six months after the killing of the wolf, before the treasurer of the county, or before a police magistrate, district warden or such officer as the Minister may appoint, together with an affidavit in the form supplied by the Department, stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, together with such other particulars as may be required, the treasurer, police magistrate, warden or officer shall give to the person producing the skin, a certificate in the form provided by the Department.

Commencement
of
Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 88.

An Act to amend the School Laws.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The School Law Amendment* Short title. *Act, 1927.*

2. Subsection 3 of section 6b of *The Department of Education Act* as enacted by section 2 of *The School Law Amendment Act, 1925*, is amended by inserting after the word "corporation" in the fourth line the words "or the board of school trustees as the case may be." Rev. Stat. c. 265, s. 6b, subs. 3 (1925, c. 78, s. 2), amended.

3. Subsection 1 of section 6 of *The Public Schools Act, 1920*, 1920, c. 100, s. 6, subs. 1, unenacted. is amended by inserting after the word "supporters" in the fourth line "and except persons who by reason of mental or physical defect are unable to profit by instruction in the public schools," and by adding thereto the following clause:

(a) Where a question arises as to whether or not a person can profit by instruction in a public school the matter shall be referred to a committee appointed by the Minister for that purpose whose decision shall be final.

4. Subsection 24, added by section 13 of *The School Law Amendment Act, 1924*, to section 16 of *The Public Schools Act, 1919*, s. 2 (1924, c. 82, s. 13), amended. as enacted by section 2 of *The Consolidated Schools Act, 1919*, is amended by striking out the words "qualified electors" in the sixth and seventh lines and inserting in lieu thereof the word "ratepayers," and by striking out the word "electors" in the ninth line and inserting in lieu thereof the word "ratepayers."

5. Subsection 2 of section 58 of *The Public Schools Act, 1920*, 1920, c. 100, s. 58, subs. 2, unenacted. is amended by adding thereto the following clause:

(a) The husband or wife of a person assessed as actual owner or tenant of land in the municipality for an

amount

amount sufficient to entitle him or her to vote at municipal elections shall be deemed a ratepayer within the meaning of this subsection, but shall not be eligible for election or to sit or vote as a member of the board while his or her wife or husband is a member of the board.

1920, c. 100,
s. 90, subs.
4a (1926 c.
67, s. 4),
repealed.

6.—(1) Subsection 4a of section 90 of *The Public Schools Act, 1920*, as enacted by section 4 of *The School Law Amendment Act, 1926*, is repealed and the following substituted therefor:

Absence of
teacher in
quarantine.

(4a) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties.

1920, c. 100,
s. 90, subs. 5,
repealed.

(2) Subsection 5 of the said section 90 is repealed.

1920, c. 100,
s. 90, subs. 7,
repealed.

(3) Subsection 7 of the said section 90 is repealed and the following substituted therefor:

Penalty on
board for
non-pay-
ment of
salary.

(7) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary.

1920, c. 100,
s. 105, subs. 1,
repealed.

7.—(1) Subsection 1 of section 105 of *The Public Schools Act, 1920*, is repealed and the following substituted therefor:

Inspectors'
salaries.

(1) Every county inspector in office on the 1st day of May, 1926, shall be paid a salary at the rate of \$3,200 per annum as from the 1st day of November, 1925, for the fiscal year ending on the 31st day of October, 1926, and at the rate of \$3,400 per annum from the 1st day of November, 1926, to the 31st day of October, 1927, and thereafter at the rate of \$3,600 per annum.

When
appointed
after
May 1st,
1926.

(1a) Every county inspector appointed after the 1st day of May, 1926, shall be paid for the first year of service at the rate of \$3,000 per annum and for each subsequent year's service at the rate of \$200 additional in each year until the salary amounts to \$3,600 per annum, and the first annual increase of \$200 shall be payable as from the 1st day of Novem-

ber of the year following that in which the inspector receives his appointment.

(2) The amendments made by subsection 1 shall have effect as from the 1st day of April, 1926.

8. Subsection 3 of section 33 of *The High Schools Act* as re-enacted by section 17 of *The School Law Amendment Act, 1925*, is amended by striking out the words "and from the councils of other counties for the education of non-resident pupils" in the thirteenth and fourteenth lines.

9. Subsection 6 of section 34 of *The High Schools Act* as enacted by section 17 of *The School Law Amendment Act, 1925*, is repealed.

10. Subsection 1 of section 46 of *The High Schools Act* is amended by striking out the word "five" in the second line of the clause lettered *c* in the said subsection and inserting in lieu thereof the word "three."

11. Paragraph *b* in subsection 1 of section 47 of *The High Schools Act* as amended by section 19 of *The School Law Amendment Act, 1925*, is further amended by inserting after the word "principals" in the fourth line the words "and the technical, commercial or vocational school principal or principals."

12. Section 50 of *The High Schools Act* is amended by adding thereto the following subsection:

(2a) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties.

13. The paragraph numbered 4 in section 7 of *The Vocational Education Act, 1921*, is repealed and the following substituted therefor:

(4) Where two or more of the vocational departments mentioned in section 4 are conducted by a board it may, in lieu of the appointment of a separate advisory committee for each department, appoint one advisory committee to be known as the "advisory vocational committee" to have the management and control of all the vocational courses conducted in the school.

Rev. Stat.
1967, s. 7
subs. 1, cl. b
(1925, c. 78,
s. 21)
amended.

14. The clause lettered *b* in subsection 1 of section 7 of *The Continuation Schools Act* as enacted by section 21 of *The School Law Amendment Act, 1925*, is amended by striking out the words "and from the councils of other counties for the education of non-resident pupils" in the tenth, eleventh and twelfth lines.

Sinking
funds
for separate
school de-
bentures.

15. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued thereunder, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,—

- (a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 305 of *The Consolidated Municipal Act, 1922*; or
- (b) be invested in securities of the Province of Ontario, and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys shall have theretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited.

Commence-
ment of
Act.

16. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 89.

An Act respecting the Superannuation of Certain Teachers and Inspectors.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Teachers' and Inspectors' Superannuation Act, 1927.* Short title.

INTERPRETATION.

2. In this Act,—

- (a) "Board" shall mean and include board of public school trustees, board of separate school trustees, high school board and board of education; 1917, c. 58, s. 2, cl. (a).
- (b) "Commission" shall mean the Commission appointed under this Act for the administration thereof; "Commission." *New.*
- (c) "Corporation" shall mean the corporation of a county or other municipality by which inspectors are employed; 1917, c. 58, s. 2, cl. (b).
- (d) "Department" shall mean Department of Education; "Department." *New.*
- (e) "Employed" shall mean and include—
 - (i) engaged in Ontario in teaching in a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school, a school to which *The Industrial Education Act* applies, a faculty of education approved by the Minister, and including its attached observation and practice schools, the Ontario School for the

"Employed."

Deaf or the Ontario School for the Blind, or a certified industrial school or a school or classes held in or in connection with any public institution supported in whole or in part by contributions from the Province or from a municipal corporation and defined in the regulations;

- (ii) engaged in Ontario as an inspector of public schools by a county or other municipality;
- (iii) engaged by the Minister, or by the Government as an inspector or a supervisor of any grade or department, or class of such schools or as superintendent of education or as any other officer designated by the Minister as being engaged in work in connection with the administration of the Department, requiring the professional qualifications and experience of a teacher or as an officer of any association or body of teachers approved by the Minister as engaged in advancing the interests of education; 1917, c. 58, s. 2, cl. (c); 1919, c. 74, s. 2; 1922, c. 98, s. 25.

"Fund."

- (f) "Fund" shall mean Teachers' and Inspectors' Superannuation Fund;

"Inspector."

- (g) "Inspector" shall mean a person qualified according to the regulations of the Department for the duties of his office and shall include a supervisor and a superintendent of education;

"Minister."

- (h) "Minister" shall mean Minister of Education;

"Regula-
tions."

- (i) "Regulations" shall mean regulations made under *The Department of Education Act*;

"Teacher."

- (j) "Teacher" shall mean a person qualified according to the regulations of the Department to teach in a public school, separate school, continuation school, high school or collegiate institute, provincial normal or model school or a school to which *The Industrial Education Act* applies, or a practice or observation school attached to a faculty of education and shall include a professor in a faculty of education. 1917, c. 58, s. 2, cls. (d-h).

THE TEACHERS' AND INSPECTORS' SUPERANNUATION FUND.

3.—(1) The Fund heretofore established as the "Ontario Teachers' and Inspectors' Superannuation Fund" shall be continued and shall hereafter be known as the "Teachers' and Inspectors' Superannuation Fund" to consist of contributions and payments to be made as hereinafter provided. 1917, c. 58, s. 3, *amended*.

(2) The Treasurer of Ontario shall be the custodian of the Fund. 1920, c. 99, s. 10, par. 2.

(3) The Fund, less such sums as may from time to time be necessary to meet current expenses, shall be invested by the Treasurer of Ontario in securities of the Province of Ontario and such securities shall be set apart and earmarked for the Fund and the interest payable from time to time on account thereof shall be paid into and form part of the Fund and shall be credited thereto whenever payable. 1920, c. 99, s. 10, par. 4, *amended*.

(4) All sums paid into the Fund during any fiscal year shall be credited to the Fund as of the 1st day of February in that fiscal year and the Province shall pay interest thereon at the rate from time to time payable upon loans issued for provincial purposes as fixed by the Lieutenant-Governor in Council for the period between the 1st day of February and the 31st day of July in each fiscal year. 1920, c. 99, s. 10, par. 5, *amended*.

(5) Books shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the Fund and all sums received from time to time by way of contributions to the Fund or which may be paid by the Province towards the administration thereof, and an account shall be kept in some chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the Fund and all amounts received as payments into the Fund or as refunds shall be deposited to the credit of the said account, and all payments out of the Fund shall be paid by cheque upon the said account as hereinafter provided. 1920, c. 99, s. 10, par. 6, *amended*.

(6) The payment of any superannuation allowance or other benefit under this Act and the cost and expenses of the administration of this Act shall be payable out of the Fund and payments therefor shall be made by the cheque of the Treasurer of Ontario signed by him or by the Assistant Treasurer or by such other person as may be appointed by the Treasurer for that purpose, but no cheque shall be issued unless countersigned by a member of the Commission. 1920, c. 99, s. 10, par. 7, *amended*.

**Issue of
provincial
securities
for Fund.**

(7) The Treasurer of Ontario may issue bonds or other securities of the Province from time to time for any amount or amounts required to be contributed by the Province to the Fund or in exchange for any amount to the credit of the Fund and such bonds or other securities shall bear interest at the rate from time to time payable by the Province upon loans issued for Provincial purposes as fixed by the Lieutenant-Governor in Council. 1920, c. 99, s. 10, par. 8, *amended*.

Regulations.

(8) The Minister with the approval of the Lieutenant-Governor in Council may make regulations respecting,—

Accounts.

(a) the manner in which the accounts of the Fund are to be kept;

**Custody of
securities.**

(b) the persons by whom such accounts shall be kept and who shall be responsible for the safe keeping of the securities issued from time to time on account of the Fund;

Cheques.

(c) the form of cheques to be issued from time to time against the account of the Fund and the manner in which the same shall be signed and countersigned. 1920, c. 99, s. 10, par. 9, *amended*.

Audit.

(9) The accounts of the Fund shall be audited and the securities in which the moneys of the Fund may be invested from time to time shall be examined and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request.

(a) The costs and expenses of such audits and reports shall be paid out of the Consolidated Revenue Fund. 1920, c. 99, s. 10, par. 10.

**Receiving
gifts, etc.,
for Fund.**

(10) The Treasurer of Ontario may receive any gift, devise or bequest made to, or for the purposes of the Fund, and pay the same, or the proceeds thereof, into the Fund, to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the Fund. 1918, c. 51, s. 10, *amended*.

CONTRIBUTIONS BY TEACHERS AND INSPECTORS.

**Superannua-
tion Fund
for in-
spectors and
teachers.**

4.—(1) Every teacher and inspector employed in Ontario shall contribute to the Fund two and one-half per centum of his salary in such manner as may be prescribed by the regulations. 1917, c. 58, s. 4, *amended*.

(2) Subject to the regulations the Commission may provide that a teacher qualified according to the regulations of the Department and engaged in teaching in Ontario in any school or classes conducted by the Government of Canada or under any joint arrangement between the Government of Canada and the Department, or the Government of Canada and the Minister for the instruction of returned soldiers and sailors who served during the late war with Germany, may be permitted to contribute to the Fund upon the same terms as teachers and inspectors contributing under subsection 1, and any teacher so contributing shall be admitted to the benefits provided for by this Act, but no contribution under this subsection shall be compulsory. 1918, c. 51, s. 6, *amended*.

(3) If the salary of any teacher or inspector for any year is less than \$550, it shall be taken as being \$550 for the purposes of this Act.

(4) Every contribution payable under this section shall be made in payments on the dates of the payment of the instalments of the salary of the teacher or inspector and in the manner prescribed by the regulations.

(5) The amount payable by a teacher or inspector employed by a board or corporation or by the governing body of a faculty of education shall be deducted from his salary by the board or corporation or governing body as the case may be, and the Minister shall deduct the same from the total legislative grant payable to the board or corporation or governing body, and it shall be placed to the credit of the Fund by the Treasurer of Ontario, and if the amount of such grant is less than the amount due from the corporation, board or governing body, it shall pay over the balance to the Treasurer and the amount so paid shall be placed to the credit of the Fund. 1917, c. 58, s. 8. *Amended*.

(6) Where a teacher or inspector,—

- (a) has been granted leave of absence from his employment for any purpose and for any period permitted by the regulations; or
- (b) is employed by a board which refuses or neglects to comply with the provisions of subsections 4 and 5, or which by reason of noncompliance with any statute or regulation is disentitled to share in the legislative grant for the schools under its jurisdiction,

such teacher or inspector may make his contributions directly to the Fund on such terms and conditions and at such times as

may

may be prescribed by the regulations, and the contributions so paid shall be placed to the credit of the Fund and shall be allowed to the teacher or inspector in fixing any allowance payable to him under the provisions of this Act. 1918, c. 51, s. 7, amended.

*Government
to retain
contribu-
tions out of
salaries.*

(7) In the case of a teacher or inspector whose salary is paid directly or indirectly by the Government of Ontario, the amount payable by such teacher or inspector shall be retained out of his salary and placed to the credit of the Fund by the Treasurer of Ontario. 1917, c. 58, s. 8 (3).

*Contribu-
tions by
teachers
employed
otherwise
than by
boards.*

(8) Where the salary of a teacher in a school or institution other than a school which is under the control of a board is paid in part by the public school board, separate school board or board of education and in part by the board of managers or other authority having the control and management of the school or institution, or is paid wholly by such board of managers or other authority, subject to the regulations, such teacher shall contribute upon the whole salary so paid to him and as to any portion of his salary not payable by a board may make his contribution directly to the Fund on such terms and conditions, and at such times as may be prescribed by the regulations, and the contributions so paid shall be placed to the credit of the Fund and shall be allowed to him in fixing any allowance payable to him under the provisions of this Act. 1919, c. 74, s. 3 (1).

(NOTE.—*This subsection is retroactive to 12th day of April, 1917. See 1919, c. 74, s. 3 (2) .*)

CONTRIBUTIONS BY PROVINCE.

*Grant from
Province.*

5. The Treasurer of Ontario shall place to the credit of the Fund at such times as shall be prescribed by the regulations sums equal to those contributed by teachers and inspectors under section 4. 1917, c. 58, s. 5.

BENEFITS PAYABLE TO TEACHERS AND INSPECTORS.

*Annual
allowance
on retire-
ment after
forty years'
service.*

6.—(1) Every teacher and every inspector who applies to the Minister for the superannuation allowance provided for by this Act and who furnishes to the Minister evidence that he has been employed for at least forty years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December, 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an

annual allowance chargeable against the Fund equal to one-sixtieth of his average salary for the last ten years during which he was employed, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the Fund, but,—

- (a) The years during which he has contributed to the Fund shall count as full years of employment;
- (b) The years of employment completed prior to the 1st day of April, 1917, shall count each as a half year of employment;
- (c) Contributions to any municipal or school board fund made prior to the 1st day of April, 1917, and paid over to the Fund shall be considered as contributions to the Fund;
- (d) If the amount of the annual payment to the teacher or inspector as above determined is less than \$365, the amount payable annually to the teacher or inspector may be \$20 for each year of service, but not exceeding in the whole \$365;
- (e) If the amount of such annual payment as above computed is more than \$1,000, the amount of the annual payment shall be \$1,000, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the Fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,000 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity;
- (f) A teacher or inspector who has contributed to the fund mentioned in sections 109 to 111 of *The Public Schools' Act*, and who has become subject to this Act under section 13, shall be entitled to receive in addition to any allowance under this section, an annual allowance equal to an annuity which might have been purchased by him at Dominion Government rates with the sums so contributed, but the total amount payable to him shall not exceed the maximum provided for in clause e;
- (g) Should a teacher or an inspector after retirement again become employed the allowance shall cease during the term of such employment, but may be resumed upon his again ceasing to be employed,

and the period during which he has been so employed shall be allowed for in fixing the amount of his annual allowance on retirement. 1917, c. 58, s. 11 (1); 1922, c. 98, s. 26, amended.

*Retirement
after thirty
years'
service.*

(2) A teacher or inspector who has been employed for at least thirty years, upon making the like application and furnishing the like evidence of employment and retirement shall be entitled to an annual allowance actuarially equivalent to that provided for in the case of a teacher or inspector retiring after forty years' employment, having regard to the difference in length of service and the earlier age at which the allowance becomes payable.

*Allowance
to be paid
monthly
and to be
apportion-
able.*

(3) The annual allowance to teachers and inspectors under this section shall be payable in monthly instalments and shall be apportionable to date of death. 1917, c. 58, s. 11, (2, 3).

*Retirement
in case of
ill-health
after fifteen
years.*

(4) Every teacher and inspector who has been employed for at least fifteen years and who has not ceased to be employed and retired from his profession before the 1st day of January, 1918, and who after that date makes application to the Minister for an annual allowance under this Act and who produces a certificate of a legally qualified medical practitioner, designated by the Minister and verified by an official medical referee appointed by the Minister, that after such date he became physically incapacitated from being employed, shall be entitled to the annual allowance provided by subsection 1, but any person receiving an allowance provided under this subsection may, upon the order of the Minister at any time be subjected to examination by a legally qualified medical practitioner appointed by the Minister, and if upon such examination it is certified to the Minister that such teacher or inspector is no longer incapable of employment as teacher or inspector the Minister may make an order that no further annual payment shall be made except as provided for by subsection 1. 1917, c. 58, s. 11 (4); 1918, c. 51, s. 9.

(a) The certificate of the legally qualified medical practitioner shall state whether or not the disability is likely to be permanent and whether or not there is any prospect of the teacher or inspector becoming again capable of employment.

(b) The Commission may require a teacher or inspector who has been granted an annual allowance under this subsection to furnish such evidence from time to time of his physical condition as the regulations may prescribe. 1919, c. 74, s. 4.

(5) Upon the death of a teacher or inspector while engaged in the profession, his personal representatives shall be entitled to receive a sum equal to the total amount contributed by him to the Fund during his lifetime with interest at four per centum per annum compounded half-yearly. 1917, c. 58. Death. s. 11 (5); 1922, c. 98, s. 27; 1925, c. 78, s. 23.

(6) In computing the period of employment of a teacher or inspector applying for an annual allowance under subsections 1, 2 or 4, due credit shall be given for time spent in military or naval service in defence of the Empire, including service as nurse or nursing sister or in any other capacity, where such time is duly certified as prescribed by the regulations. Crediting time spent on military or naval service.

(7) A teacher or inspector who has retired from his profession and has ceased to be employed before the 12th day of April, 1917, shall not be entitled to the annual allowance provided for by subsections 1, 2 or 4 by reason of being employed after such date. 1917, c. 58, s. 11 (6, 7). Employment after retirement before passing of Ac'.

7. A teacher or inspector withdrawing from the profession after having been employed for at least five years shall be entitled to receive the whole of his contributions made to the Fund together with interest thereon at the rate of four per centum per annum from the date of his retirement. Withdrawing from profession after five years.

8. Where a teacher or inspector dies after becoming entitled to the superannuation allowance provided for in section 6, his personal representatives shall be entitled to receive out of the Fund a sum sufficient to make the total amount received by him or his representatives equal to the total amount of his contributions to the Fund. Death after becoming entitled to superannuation allowance.

9.—(1) There shall be a triennial actuarial valuation of the Fund, the next such valuation to be as at the 1st day of July, 1927, and the Minister may direct an additional valuation to be made at any time. Actuarial valuation of fund.

(2) Where it appears to the Minister that the condition of the Fund is such as to warrant the granting of benefits in addition to those hereinbefore mentioned the regulations may from time to time provide for,— Granting additional benefits.

- (a) increasing the amount payable to a teacher or inspector retiring under the provisions of section 6;
- (b) reducing the number of years of employment necessary to entitle a teacher or inspector to a superannuation allowance under section 6; or
- (c) in the alternative or in addition to both or either of such benefits, any other additional benefit which the Minister may deem proper. See 1921, c. 89, s. 17.

*Allowance
not to be
subject to
attachment,
seizure, or
assignment.*

10.—(1) The annual allowance payable to a teacher or an inspector under this Act shall not be subject to his debts, or be attached or taken in execution, and no assignment of any moneys payable or to become payable to a teacher or inspector under this Act shall be valid or binding, but every sum so payable shall be payable directly to the teacher or inspector or to his personal representative. 1917, c. 58, s. 14.

*Where payee
is insane, etc.*

(2) Notwithstanding anything in this Act contained where any person to whom an allowance is payable under this Act is insane or is otherwise physically or mentally incapable of managing his own affairs, or is an inmate of a hospital for the insane or of any institution, the Commission appointed under section 14 may direct that any cheque for moneys payable to such person shall be made payable to his wife or child, or to some other member of his family or household, and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the Fund to the extent of such payment. 1921, c. 89, s. 18.

*Receipt of
other super-
annuation
allowance
to be
evidence of
retirement.*

11. A teacher or inspector who has applied for and received an annual allowance from the Province under *The Public Schools Act*, or under any municipal by-law, or from any fund provided by a board for the superannuation of teachers and inspectors, shall be conclusively deemed to have retired from the profession and to have ceased to be employed within the meaning of this Act from the date when the application for such allowance or gratuity was first made and accepted. 1919, c. 74, s. 5, amended.

*Notice by
teacher or
inspector
becoming
employed
after super-
annuation.*

12. A teacher or inspector who, after the granting of an allowance made under this Act, enters the employment of a board either temporarily or permanently, shall give notice to the Department of such employment in the manner prescribed by the regulations, and in default of so doing shall forfeit any further claim to any benefit under this Act. 1919, c. 74, s. 5.

STATUS OF TEACHERS AND INSPECTORS WHO WERE CONTRIBUTORS TO PUBLIC SCHOOL SUPERANNUATION FUND.

*Superannu-
ation
allowance
under Public
Schools Act.*

13.—(1) A teacher or an inspector in receipt of a superannuation allowance payable by the Province under *The Public Schools Act* shall continue to receive such superannuation allowance as if this Act had not been passed but shall have no claim to the allowance provided for by this Act. 1917, c. 58, s. 15 (1), amended.

(2) A teacher or an inspector who was employed on the 12th day of April, 1917, and who elected to become subject to the provisions of *The Teachers' and Inspectors' Superannuation Act, 1917*, as provided by that Act, shall have no claim against the Province in respect of any contributions made by him under *The Public Schools Act* before that date, provided that where it appears to the Commission that by reason of a subsequent increase in the amount of the allowance to be made upon superannuation under *The Public Schools Act* that such teacher or inspector has been granted or will be granted upon retirement under this Act an allowance less in amount than he would have been entitled to had he not made such election, the Commission may increase the annual allowance payable to such teacher or inspector to an amount equal to that which he would have received had he not made such election, provided that the total amount to be received by him shall not exceed the maximum provided for in clause *e* of section 6. 1925, c. 78, s. 24, amended.

COMMISSION.

14.—(1) A teacher or an inspector shall not be entitled to any allowance provided for by this Act until his claim to such allowance has been approved by the Minister upon the report of a commission consisting of five members who shall be appointed and elected triennially as follows:—

- (a) An actuary and two other persons appointed by the Minister;
- (b) Two teachers or inspectors who are members of the Ontario Educational Association, elected at the annual meeting of such Association, by the teachers and inspectors present and voting thereat.

(2) The election of representatives by the Ontario Educational Association shall be conducted in such manner as the majority of the members of the Association present and voting at the meeting may decide.

(3) The Minister shall triennially designate one of the members of the Commission to be the chairman thereof.

(4) A vacancy occurring in the Commission among the members appointed by the Minister shall be filled by the Minister and a vacancy occurring among the members appointed by the said Association shall be filled by the election of a person to fill such vacancy at the next annual meeting of the Association, and the board of directors of the Association, at a special meeting to be called for that purpose, upon notice

of such vacancy from the Minister, may appoint a teacher or inspector who is a member of the Association to fill the vacancy until such election can be held. 1917, c. 58, s. 13.

REGULATIONS.

Regulations.

15. Regulations may be made by the Minister with the approval of the Lieutenant-Governor in Council as provided by *The Department of Education Act*,—

Evidence as to claims.

(a) respecting evidence to be furnished by teachers and inspectors claiming to be entitled to the annual allowance or to any other benefit payable under this Act;

Conditions upon which allowance to be granted.

(b) respecting the conditions upon which the teachers or inspectors now employed and contributing to the superannuation fund provided for by *The Public Schools Act* may be entitled to receive an annual allowance as provided for by this Act; 1917, c. 58, s. 17 cl. (a, b).

Temporary employment.

(c) defining the classes of temporary, special or occasional teachers and providing that persons employed in any such class shall not be liable to contribute to the Fund or be entitled to share in its benefits; 1918, c. 51, s. 11.

Permitting contributions from teachers employed in office of board or inspector.

(d) for permitting a teacher to contribute to the Fund where such teacher has been employed by a board and has since such employment been engaged in the office of the board of education of a city or town, or of an inspector, in work which in the opinion of the Minister requires the professional qualifications and experience of a teacher, and for providing that a teacher while so engaged shall be deemed to be employed within the meaning of this Act; 1919, c. 74, s. 7.

Returns by board.

(e) requiring any board or corporation to make returns as to the teachers and inspectors employed by the board or corporation;

Date of payment to Fund.

(f) prescribing the dates upon and the manner in which payments shall be made into the Fund; 1917, c. 58, s. 17, cl. (c, d).

Teachers exchanging under arrangement with British Empire League.

(g) providing that teachers from overseas engaged in teaching in Ontario under arrangement with the British Empire League and approved by the Minister shall not be required to contribute to the Fund, and

that

that teachers from Ontario engaged in teaching overseas shall, at their option, have the right to contribute to the Fund while so engaged and that the period of such engagement while making such contribution shall be counted for the purposes of this Act as employment in Ontario; 1922, c. 98, s. 28.

- (h) prescribing the date upon which payment is to be made on account of the Fund to any teacher or inspector;
- (i) prescribing the time and place at which the Commission mentioned in section 14 of this Act shall meet and the procedure of the Commission;
- (j) providing for the withholding of any grant or other sum payable by the Province to a board or corporation in case of any default in making the payments or returns required by this Act or the regulations; Where default in payment or returns.
- (k) generally for the better carrying out of the provisions of this Act. 1917, c. 58, s. 17, cl. (e-h).

SPECIAL GRANTS TO TEACHERS AND INSPECTORS NOT ENTITLED TO SUPERANNUATION.

16.—(1) Regulations may be made in the manner provided by *The Department of Education Act* for the payment of an annual allowance to teachers and inspectors who have retired from the profession and ceased to be employed before the 1st day of January, 1917, out of any sum appropriated by the Legislature for that purpose, and the regulations may provide,—

- (a) that the application for any such allowance shall be referred to the Commission for inquiry and report thereon;
- (b) for payment of the allowance by the Minister upon the report of the Commission and prescribing the dates and manner of payment thereof;
- (c) as to the length of service, age and other circumstances which shall entitle a teacher or inspector to receive any such annual allowance;
- (d) as to what proportion such annual allowance shall bear to the salary earned by the teacher or inspector at the time of retirement or for any specified period before retirement;

- (e) as to the evidence to be furnished by teachers and inspectors applying for any such annual allowances.

but no teacher or inspector shall be entitled to any allowance out of such appropriation who is in receipt of any superannuation or other allowance under *The Public Schools Act* or this Act or from any school board or municipal corporation.

Meaning of
"employed",
"inspector",
and
"teacher." (2) In this section the words "employed," "inspector" and "teacher" shall respectively have the meaning provided in section 2. 1919, c. 74, s. 8, amended.

REPEAL.

Repeal.

17. The following Acts and parts of Acts are repealed to the extent herein mentioned:—

The Teachers' and Inspectors' Superannuation Act, 1917, (1917, c. 58)—The whole, except sections 7 and 15 (2).

The School Laws Amendment Act, 1918, (1918, c. 51)—Sections 6, 7, except clause (a), 8, 9, 10 and 11.

The Teachers' and Inspectors' Superannuation Act, 1919, (1919, c. 74)—The whole, except subsection 2 of section 3.

The School Law Amendment Act, 1920, (1920, c. 99)—Section 10.

The School Law Amendment Act, 1921, (1921, c. 89)—Sections 17 and 18.

The School Law Amendment Act, 1922, (1922, c. 98)—Sections 25 to 28, inclusive.

The School Law Amendment Act, 1925, (1925, c. 78)—Sections 23 and 24.

COMMENCEMENT OF ACT.

Commencement of Act. **18.** This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 90.

An Act to amend The Boards of Education Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Boards of Education Act*, Rev. Stat. c. 269, s. 1. Short title 1927.

2.—(1) The clause lettered *c* in section 2 of *The Boards of Education Act* is amended by striking out all the words after cl. c. the word "Act" where it first appears in the fifth line of the amended. said clause.

(2) The clause lettered *e* of the said section 2 is amended Rev. Stat. c. 269, s. 2. by striking out all the words after the word "boards" in the cl. e, fourth line of the amended. said clause.

3. Section 3 of *The Boards of Education Act* is repealed. Rev. Stat. c. 269, s. 3. repealed.

4. Subsection 4 of section 4 of *The Boards of Education Act* Rev. Stat. c. 269, s. 4. is amended by striking out the words "such previous boards" subs. 4, in the second line and inserting in lieu thereof the words "the amended. high school board and the public school board."

5. The clause lettered *a* in subsection 1 of section 5 of *The Boards of Education Act* Rev. Stat. c. 269, s. 5. is amended by striking out the words subs. 1, cl. a. "not less than" at the end of the first line. amended.

6.—(1) Subsection 1 of section 6 of *The Boards of Education Act* Rev. Stat. c. 269, s. 6. is amended by striking out all the words therein after the subs. 1, word "wards" in the fifth line. amended.

(2) Subsection 2 of the said section 6 is amended by Rev. Stat. c. 269, s. 6. striking out the words "qualified to vote" in the second line subs. 2, and inserting in lieu thereof the word "voting." amended.

(3) Subsection 4a of the said section 6 as enacted by section 1 of the Act passed in the year 1917, chaptered 61, is Rev. Stat. c. 269, s. 4a (1917, c. 61). repealed and the following substituted therefor: s. 11) repealed.

Annual
election
of board,—
vote of rate-
payers on
question.

(4a) The council of any municipality may at any time before the 1st day of October in any year submit to the vote of the persons qualified to vote for public school trustees the question "Are you in favour of the annual election of the members of the board of education?" and in case the question is answered in the affirmative by a majority of the electors voting thereon all the elective members of such board shall be elected annually and the clerk of the municipality shall notify the secretary of the board of education in writing of the result of the voting and all the members of the board of education shall cease to hold office on the 31st day of December of the same year.

Rev. Stat.
c. 269
amended.

7. *The Boards of Education Act* is amended by adding thereto the following section:

Vote of
ratepayers
on repeal of
by-law for
election of
board by
wards.

6a. The council of any city which has passed a by-law under the provisions of the preceding section may at any time before the 1st day of October in each year submit to the persons qualified to vote for a public school trustee the question "Are you in favour of repealing the by-law for electing the board of education by wards?" and if the question is answered in the affirmative by the majority of the electors voting thereon the election shall thereafter be conducted in the manner provided by section 5.

Rev. Stat.
c. 269, s. 13,
subs. 2,
amended.

8.—(1) Subsection 2 of section 13 of *The Boards of Education Act* is amended by striking out the words "next date following the passing of such resolutions fixed under this Act for the first meeting in each year of a union board" in the first, second and third lines and inserting in lieu thereof "day fixed under this Act for the first meeting in each year of a union board next following the passing of the resolutions."

Rev. Stat.
c. 269, s. 13,
subs. 4,
(1915, c. 43,
s. 11),
repealed.

(2) Subsection 4 of the said section 13 as enacted by section 11 of *The School Law Amendment Act, 1915*, is repealed.

Rev. Stat.
c. 269, s. 15,
subs. 1,
amended.

9. Subsection 1 of section 15 of *The Boards of Education Act* is amended by striking out the words "next date following such vote fixed by this Act for holding the first meeting of union boards" at the end of the said subsection and inserting in lieu thereof the words "date fixed for holding the first meeting of a union board in any year next following such vote."

Rev. Stat.
c. 269, s. 22,
amended.

10. Section 22 of *The Boards of Education Act* as amended by section 15 of *The School Law Amendment Act, 1925*, is

amended

amended by striking out the words "not a resident of the high school district" in the second and third lines and inserting in lieu thereof the words "appointed by the county council."

11. This Act shall come into force on the day upon which <sup>Commencement of
Act.</sup> it receives the Royal Assent.

CHAPTER 91.

An Act to amend The Industrial Schools Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Industrial Schools Act, 1927.*

**Rev. Stat., c. 271, s. 2,
amended.** **2.** Section 2 of *The Industrial Schools Act* is amended by striking out the definition of "Judge" and substituting therefor the following,—

"Judge." "Judge" shall mean and include judge of the county or district court, police magistrate and judge of the juvenile court.

**1925, c. 79,
ss. 1, 2,
repealed.
Rev. Stat.,
c. 271,
amended.** **3.** Subsection 4 of section 10 of *The Industrial Schools Act* is amended by striking out the words "instead of committing him to a gaol or reformatory," in the second and third lines.

**Rev. Stat.,
c. 271, s. 11,
amended.** **4.** Section 11 of *The Industrial Schools Act* is amended by striking out the words "make the order provided for in the next preceding section," and substituting therefor the words "direct him to be sent to an industrial school."

**1925, c. 79,
ss. 1, 2,
repealed.
Rev. Stat.,
c. 271,
amended.** **5.** Section 2 of *The Industrial Schools Act, 1925*, is repealed and *The Industrial Schools Act* is amended by inserting the following section,—

**1927, c. 92,
amended.** **11a.** Wherever a child may be sent to an industrial school, such child may be sent to any other institution approved of by the Lieutenant-Governor in Council as being suitable for the care, training and education of children under the provisions of *The Boys' Welfare Home and School Act, 1927.*

**1927, c. 92,
amended.** **6.** *The Industrial Schools Act* is amended by inserting the following section,—

10a. Any order made under this Act shall be subject to <sup>Appeal to
Divisional
Court.</sup> an appeal to a Divisional Court and such appeal may be at the instance of any next friend.

7. *The Industrial Schools Act* is amended by adding the <sup>Rev. Stat.
c. 271,
amended.</sup> following section,—

18a. It shall be the duty of the inspector to peruse the <sup>Duties of
inspector.</sup> depositions and papers filed with the superintendent and to make full inquiry into the circumstances of every child confined in an industrial school so as to satisfy himself as to the propriety of the order sending the child to the school and he shall report any case calling for special consideration to the Minister.

8. Section 19 of *The Industrial Schools Act* is amended by <sup>Rev. Stat.,
c. 271, s. 19,
amended.</sup> inserting after the word "another" in the second line the words "or to any school approved under *The Boys' Welfare Home and School Act, 1927.*"

9. This Act shall come into force on the day upon which <sup>Commencement of
Act.</sup> it receives the Royal Assent.

CHAPTER 92.

The Boys' Welfare Home and School Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Boys' Welfare Home and School Act, 1927.*

Interpretation. **2.** In this Act,—

- "Board."** (a) "Board" shall mean Boys' Welfare Board of Ontario;
- "Boy."** (b) "Boy" shall mean any male youth who has a legal residence in Ontario as hereinafter provided in this Act and who is normal in mind and body and capable of receiving an education and training that will enable him to earn a living;
- "Inspector."** (c) "Inspector" shall mean Inspector of Prisons and Public Charities designated by the Minister to inspect hospitals and public charities under *The Prisons and Public Charities Inspection Act*;
- "Minister."** (d) "Minister" shall mean the member of the executive council charged for the time being with the administration of this Act;
- "Municipality."** (e) "Municipality" shall mean any organized county, city, separated town or township in Ontario;
- "Residence."** (f) "Residence" for the purpose of this Act shall mean the actual home of the boy in any municipality in Ontario for a continuous period of six months within the twelve months next prior to the date of the application for his admission to the said home and school;
- "Prescribed."** (g) "Prescribed" shall mean prescribed by this Act or by the regulations made by authority of this Act;

(h) "Regulations" shall mean regulations made under "Regulations." this Act;

i. "Superintendent" shall mean the person who has been "Superintendent" appointed to such position.

3. A boys' welfare home and school may be established in any county or district in Ontario to which shall be attached not less than one hundred acres of agricultural land with suitable buildings thereon for farming purposes and with such other equipment and buildings as in the opinion of the Minister are necessary to provide the boys admitted therein with a mental, moral and manual education and training and with profitable employment.

4. Notwithstanding anything contained in *The Boys' Welfare Act, 1925*, or in any other general or special Act in force in Ontario, the title in fee simple to any real property purchased or acquired for the purposes of this Act shall be vested in the name of His Majesty as represented herein by the Minister of Public Works and Highways for the Province of Ontario.

5. The cost of the maintenance of any boys' home and school, in excess of what is contributed by or on behalf of the boys who may be admitted therein, or by any municipal corporation, as hereafter provided in this Act, shall be paid out of such moneys as may be voted by the Legislative Assembly and appropriated for that purpose.

6. Any municipal corporation, any association, corporation or individual may make gifts of real or personal property to a boys' welfare home and school.

7. Every boy admitted to a welfare home and school shall upon his admission become a ward of that institution and shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy so admitted shall upon his admission cease and determine unless the Board or the inspector otherwise provides that the wardship of the home and school shall cease and determine upon the boy being discharged therefrom.

8. There shall be established a board of nine members "Board." which shall be known as the "Boys' Welfare Board of Ontario."

9. The members of the Board shall be appointed by the Lieutenant-Governor in Council with the powers and for the purposes hereinafter prescribed.

*Period
of office.*

10. Of the first members of the Board three shall be appointed for a period of three years from the date of their appointment, three for a period of two years from the date of their appointment and three for a period of one year from the date of their appointment, and thereafter members appointed to fill vacancies arising from the expiry of office or from the retirement of members from office or from any other cause shall be appointed for a period of three years.

*Chairman
and secre-
tary.*

11. The Lieutenant-Governor in Council may from time to time appoint one of the members of the Board to be the chairman thereof and another member of the Board to be the secretary thereof.

*Inspections
by Board.*

12. The Board shall meet from time to time at the call of the chairman thereof at the said boys' home and school and shall inspect every part of it, having special regard to the following features:

- (a) The condition of its equipment;
- (b) The quality and suitability of the dietary;
- (c) Whether religious services are provided for the boys in residence therein, either at the institution or elsewhere;
- (d) What occupations or amusements are provided for the benefit of the boys;
- (e) What system of restraint is adopted and when said system is used;
- (f) What provision is made for sick boys;
- (g) The exact number of boys and how they are classified;
- (h) The legal sufficiency of the authority under which the said boys are detained in the said institution;
- (i) What books or records are in use;
- (j) The general appearance of the buildings and lands; and
- (k) Generally as to any other matter in which it is deemed proper to inquire.

*Report to
Minister.*

13. The Board shall make a report to the Minister following each visit of inspection and may make any recommendation in regard to any of the features named in the preceding section.

14. The members of the Board shall be paid their necessary expenses of Boarding and other expenses from such moneys as may be appropriated by the Legislature for the maintenance of the said boys' home and school.

15. Where the cost of the maintenance and education of any boy admitted to a boys' welfare home and school is not paid by or on behalf of such boy by his parent or parents at not less than fifty cents per day, the said Board may charge against the municipal corporation of the municipality in which such boy had his residence as defined in this Act upon his admission to said institution the sum of seventy-five cents per day for the maintenance and education of such boy for each actual day's stay of the said boy in the said institution.

16. The income of any boys' welfare home and school, in addition to the Legislative grant, shall consist of moneys paid for or on behalf of the maintenance and education of such boys as may be admitted therein, moneys received from the sale of agricultural products or goods or articles manufactured therein, donations from educational or philanthropic sources and payments made by municipal corporations as hereinafter provided.

17. The cost of the maintenance, education and travelling expenses of any boy admitted therein shall be paid in whole or in part from one or more of the following sources:

- (a) By the said boy or from his estate, at such a rate as may be arranged at or subsequent to the time of his admission;
- (b) By the parent of the said boy at such a rate as may be arranged at or subsequent to the time of his admission;
- (c) By the municipality in which the said boy had his residence as defined in this Act;
- (d) From the Legislative grant.

18. Subject to the approval of the Lieutenant-Governor in Regulations, Council the inspector may make regulations for the following purposes:

- (a) For the appointment of such officers and employees as may be deemed necessary and for fixing the salaries and remuneration of such persons as may be so appointed;

- (b) For fixing the age at which and the conditions under which boys may be admitted to the said home and school and the period during which any boy may be kept at the said institution and the conditions under which he may leave or be discharged therefrom;
- (c) For regulating the conduct, discipline, training and education of the boys admitted in residence to the said institution and for providing for their religious and moral training and instruction;
- (d) For providing for the use in the said institution of such products as may be produced on the premises of the said home and school, and for the sale of any surplus products or articles produced or manufactured on the said premises;
- (e) For the remuneration to be paid to any boy for faithful service; and
- (f) Generally for the management and direction of the affairs and maintenance of the said home and school.

~~Repeal.~~

19. *The Boys' Welfare Act, 1925*, being chapter 80 of the statutes of 1925, is repealed.

~~Commencement
Act.~~

20. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 93.

An Act to amend Chapter 79, Statutes of Ontario,
1919.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Conservatory of Music*^{Short title.} *Act, 1927.*

2. The Act passed in the ninth year of the reign of His Majesty King George the Fifth, chaptered 79, intituled *An Act to confirm an Agreement between the Toronto Conservatory of Music and Governors of the University of Toronto* is amended by adding thereto the following section:

4.—(1) Notwithstanding anything in this or any other Act contained the "Conservatory" may issue debentures to an amount not exceeding \$300,000 for a term not exceeding thirty years, and such debentures shall be a charge upon the land described in the schedule to this Act, and the Governors of the University of Toronto may guarantee such debentures, such guarantee to be in the following form or to the like effect.

(2) The Governors of the University of Toronto hereby guarantee to the holder of the within debenture the due payment of the principal and interest thereof, as and when the same respectively become due.

(3) Upon the execution of the above guarantee by the chairman or vice-chairman and the bursar on behalf of the Board of Governors of the University of Toronto, the same shall be binding upon the said Board.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 94.

An Act to grant aid to the Banting Research Foundation.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Banting Research Aid Act, 1927.*

Annual Payment to Banting Research Foundation.

2. There shall be payable out of the Consolidated Revenue Fund in the present fiscal year and in each year thereafter for a period of ten years in all, the sum of \$10,000 per annum to the Banting Research Foundation, incorporated by letters patent dated the 22nd day of July, 1925, under *The Ontario Companies Act* to be applied to furthering the objects of the said corporation as set out in the said letters patent.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 95.

An Act to validate the Grant from the College of Physicians and Surgeons of Ontario to the Banting Research Foundation.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The College of Physicians and Surgeons and Banting Foundation Act, 1927.* Short title.
2. The College of Physicians and Surgeons of Ontario is authorized to make a grant of \$10,000 out of any funds in the hands of the council of such college in aid of the Banting Research Foundation Trust Fund notwithstanding anything in *The Ontario Medical Act* restricting the application of any funds of the college to any other purposes. Grant authorized to Banting Research Foundation.
3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 96.

An Act to amend The Hospitals for the Insane Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Hospitals for the Insane Act, 1927.*

Rev. Stat., c. 295, ss. 36-49 repealed. **2.** Sections 36 to 49 of *The Hospitals for the Insane Act* are repealed and the following substituted therefor:

Public
Trustee
ex officio
committee.

36. The Public Trustee shall be *ex officio* committee of the estate of every person who has no other committee and is detained in any hospital established by the Province for the custody and treatment of insane persons, as an insane person.

Appointment of
committee
by Supreme
Court.

37. The Supreme Court may at any time appoint a committee of any such patient and upon such appointment being made the Public Trustee shall cease to be a committee and shall account for and transfer to the committee appointed all the estate of the person which has come to his hand, detaining, however, so much as may be due for the maintenance of the patient.

Consent of
Public
Trustee.

38. An order shall not be made for the appointment of a committee of any person confined in a Provincial hospital without the consent of the Public Trustee unless five days' notice shall have previously been given to him.

Acts of
Public
Trustee not
affected by
subsequent
appointment.

39. The acts of the Public Trustee while committee of a patient shall not be rendered invalid by the making of an order appointing another committee.

When
service of
process to
be made on
Public
Trustee.

40. When an action or proceeding is brought or taken against any person confined in a Provincial hospital

as insane for whom a committee has not been appointed by the Court, the writ or other document by which the proceedings are commenced and any other documents requiring personal service shall be served upon the Public Trustee endorsed with a written statement of the hospital in which the patient is confined and shall also be served upon the patient unless in the opinion of the superintendent of the hospital personal service upon the patient would cause serious harm to him by reason of his mental condition in which case it shall also be served upon the superintendent.

41. The Public Trustee as statutory committee of any such patient shall have all the powers and obligations of a committee appointed by the Court toward the estate of the patient. Powers and duties of Public Trustee.
42. In addition to the powers possessed by a committee appointed by the Court the Public Trustee as statutory committee may lease, mortgage, sell and convey any and all of the property of such patient and may apply the proceeds thereof on and toward the maintenance of the patient and the payment of his debts and liabilities and the maintenance of his family. Power to lease, mortgage, sell, etc.
43. No such lease, sale, mortgage or conveyance shall be made without the written consent of the Attorney-General. Consent of Attorney-General.
44. Any conveyance by the Public Trustee under the authority of this Act shall operate to convey the estate of the patient as fully and effectually as if executed by the patient himself when of full age and of sound and disposing mind. Effect of conveyance by Public Trustee.
45. Any recital in a lease, mortgage or conveyance that the patient is confined in an hospital established by the Province for the custody and treatment of insane persons as insane and that the Public Trustee is his statutory committee shall be *prima facie* evidence of the facts recited. Recital in documents as to patient.
46. The powers conferred upon the Public Trustee as statutory committee of the estate of a patient may be exercised:
 - (a) To carry out and complete any transaction entered into by the patient before he became an inmate of the hospital; Purposes for which powers of Public Trustee may be exercised.
 - (b)

- (b) to carry out and complete any transaction entered into by the statutory committee notwithstanding the patient may have ceased to be an inmate of the hospital or may have recovered or died after the transaction was commenced;
- (c) notwithstanding the patient being committed to the custody of friends under the provisions of section 29.

Costs and charges of Public Trustee lien on property.

47. The costs, charges and expenses of the Public Trustee and any money advanced by him for the patient or for the maintenance of the family of the patient shall be a charge upon the property of the patient and the Public Trustee may register a certificate under his hand and seal of office giving notice of any lien claimed and the property against which it is claimed in any registry office or land titles office.

When gifts, grants, etc., by patient seemed fraudulent.

48. Every gift, grant, alienation, conveyance or transfer of property made by any person who is or becomes an inmate of a hospital shall be deemed to be fraudulent and void, as against the statutory committee, if the same is not made for full and valuable consideration actually paid or sufficiently secured to such person, or if the purchaser or transferee had notice of the insanity.

Case of death of patient.

49. Upon the death of any such patient the statutory committee shall, until probate of the will or letters of administration to the estate of the patient is granted to some other person, and notice is given to the statutory committee, continue to act and may exercise, with respect to the estate of the patient, the powers which an executor would have if the property were devised or bequeathed to him in trust for payment of debts and distribution of the residue.

Account by Public Trustee.

- 49a. The Public Trustee shall be liable to render an account as to the manner in which he has managed the property and effects of the patient in the same way and subject to the same responsibilities as any trustee, guardian, or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee, but shall be liable only for wilful misconduct.

- 49b. For the services rendered by the Public Trustee as committee of a patient or after his death he may be allowed compensation not exceeding the amount which a trustee would be allowed for like services and not in any case exceeding five per centum of the total value of the estate, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation. Compensation of Public Trustee.
- 49c. When a person discharged from a hospital is not, in the opinion of the Public Trustee, competent to manage his affairs, and the Public Trustee has in his hands property of such person as committee under this Act, he may apply to the Supreme Court to be relieved of such property and be discharged of his trust and the Court may give such orders and directions in the premises as it may deem just. Relief of Public Trustee on discharge of patient.
- 49d. The Public Trustee shall out of the money in his hands belonging to a patient for whom he is statutory committee pay the proper charges for his maintenance in the hospital in which he is confined, and he may also pay such sums as the Lieutenant-Governor in Council may authorize to be paid over to the family of such patient or other person dependent upon him. The Lieutenant-Governor in Council may authorize payments to be made for the maintenance of the family and other dependents notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient. Payment of charges for maintenance of patient.
- 49e. If the condition of the patient is of such a nature and his property is such as would in the opinion of the superintendent of the hospital justify the supply to him of greater comfort and attention than is supplied under the regulations, the Public Trustee may with the approval of the Attorney-General make such payments as the superintendent may deem proper. Payment for supply of extra comfort and attention.
- 49f. If there is any money in Court to the credit of the patient upon the application of the Public Trustee certifying that there is money due to the hospital, the amount required may be paid out in discharge of any claim for maintenance. Payment of money out of court for maintenance.

3. Section 53 of *The Hospitals for the Insane Act* as enacted by section 2 of the Acts passed in the sixth year of the reign of His Majesty King George the Fifth and chaptered 64 is <sup>Rev. Stat.
c. 247, s. 57
(1916, c. 94
s. 2nd amend.)</sup> ed.

amended by striking out the words "or to a magistrate of such county" in the fourth and fifth lines, and the words "or magistrate" wherever they occur in the said section.

*Rev. Stat.,
c. 295, ss. 54,
59 (1916, c.
64, s. 2)
amended.*

4. Sections 54 to 59 of *The Hospitals for the Insane Act* as enacted by section 2 of the Acts passed in the sixth year of the reign of His Majesty King George the Fifth and chaptered 64 are amended by striking out the words "or magistrate" wherever they occur in the said sections.

*Rev. Stat.,
c. 295 (1924,
c. 86, s. 2)
amended.*

5. Section 60 of *The Hospitals for the Insane Act* as enacted by section 2 of *The Hospitals for the Insane Act, 1924*, is amended by adding thereto the following subsection:

*Appoint-
ment of
committees
in Saskatche-
wan for
estate of
resident of
Ontario.*

(1a) The Lieutenant-Governor in Council may appoint the Administrator of the estates of the mentally incompetent of the Province of Saskatchewan to be the committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum or mental hospital in Saskatchewan.

so that the section will now read as follows:

*Administra-
tor for
Manitoba
may be
appointed
committee
in Ontario.*

60.—(1) The Lieutenant-Governor in Council may appoint the Administrator of estates of insane persons for the Province of Manitoba to be committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum in Manitoba.

*Appoint-
ment of
committee
in Saskatche-
wan for
estate of
resident of
Ontario.*

(1a) The Lieutenant-Governor in Council may appoint the Administrator of the estates of the mentally incompetent of the Province of Saskatchewan to be the committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum or mental hospital in Saskatchewan.

*Order-in-
Council con-
clusive as to
appoint-
ment.*

(2) An order-in-council making such an appointment of the officer mentioned in this section shall be conclusive proof that all conditions precedent necessary to the appointment have been fulfilled.

(3) The appointee under an order-in-council issued under ^{Powers of} this section shall possess the same rights, powers, ^{administra-} ^{tor in} ^{Ontario.} privileges and immunities as are conferred by this Act and the amendments thereto upon the Public Trustee for Ontario, and he shall be subject to the same obligations and shall perform the same duties.

6. This Act shall come into force on the day upon which ^{Committee, etc.} it receives the Royal Assent. ^{ment of Act.}

CHAPTER 97.

An Act to amend The Hospitals and Charitable Institutions Act.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 300, s. 23,
1924, 11
c. 73,
1926, 2
amended. **1.** Subsection 11 of section 23 of *The Hospitals and Charitable Institutions Act* as enacted by section 2 of *The Hospitals and Charitable Institutions Act, 1926*, is repealed and the following substituted therefor:

(11) Except in cases of emergency, as to which the superintendent of the hospital shall be the sole judge, no indigent person residing in a township bordering on a city or separated town shall be admitted to a hospital in such city or separated town without an order in writing signed by the medical officer of health of such township.

(11a) In cases of emergency the liability of the county shall not continue beyond a period of seven days from the admission unless the medical officer of health of such township gives an order in writing approving of such admission.

Commencement of Act. **2.** This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 98.

An Act to amend The Psychiatric Hospitals Act, 1926.

Assented to 5th April, 1927.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Psychiatric Hospitals Act*, Short title 1927.

2.—(1) Subsection 1 of section 10 of *The Psychiatric Hospitals Act*, 1926, c. 71, s. 10, subs. 1, is amended by striking out the first amendment three lines and inserting in lieu thereof the following:

"Any person who is, or who is believed to be in need of such treatment as is provided in a psychiatric hospital and who, except in the cases provided for in clauses (b) and (e) of this section, has been a resident of the municipality in which such psychiatric hospital is located for three months in all within the period of five months prior to the date of application for admission, may be admitted thereto for such treatment,—"

(2) The clause lettered (e) in subsection 1 of the said section 10 is amended by inserting after the word "magistrate" in cl. e., the first line the words "having jurisdiction in the municipality in which the hospital is located and accompanied by the prescribed history form," and by adding at the end of the said clause the words "and any person so remanded shall be deemed to be a resident of the municipality in which the order for such remand is made."

(3) The said section 10 is amended by adding thereto the following subsection:

(1a) The certificate mentioned in clause (c) shall be sufficient authority to a police officer or to any other person to convey a person to a psychiatric hospital and to the authorities of the said hospital for his detention therein.

1926, c. 71,
s. 10, subs. 3,
amended. (4) Subsection 3 of the said section 10 is amended by adding at the end thereof the words "and the certificate of the superintendent or of any legally qualified medical practitioner who is a member of the staff of the hospital shall be sufficient authority for the granting of said discharge."

1926, c. 71,
s. 11, subs. 1,
cl. c,
amended. **3.**—(1) The clause lettered (c) in subsection 1 of section 11 of *The Psychiatric Hospitals Act, 1926*, is amended by striking out all the words after the word "corporation" in the second and third lines and inserting in lieu thereof the words "at the rate of \$1.50 per diem or more."

1926, c. 71,
s. 11, subs. 2,
amended. (2) Subsection 2 of the said section 11 is amended by striking out the figure "(2)" at the commencement thereof and by making the said subsection a separate section to be inserted after section 12 as section 12a.

1926, c. 71,
s. 14, subs. 4,
amended. **4.**—(1) Subsection 4 of section 14 of *The Psychiatric Hospitals Act, 1926*, is amended by inserting after the word "discharged" in the fourth line the word "he."

1926, c. 71,
s. 14, subs. 6,
amended. (2) Subsection 6 of the said section 14 is amended by inserting after the word "hospital" in the second line the words "except such persons as are admitted under clauses (b) and (e) in subsection 1 of section 10."

1926, c. 71,
s. 17,
amended. **5.** Section 17 of *The Psychiatric Hospitals Act, 1926*, is amended by inserting after the word "escapes" in the second line the words "therefrom or."

Commence-
ment of
Act. **6.** This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 99.

An Act respecting the Town of Almonte.

Assented to 5th April, 1927.

WHHEREAS the corporation of the town of Almonte has ^{Preamble.} by its petition represented that the said corporation has incurred a floating debt of \$15,000, the largest part of which is for works of a permanent character which if paid out of current revenue would be unduly burdensome and oppressive on the ratepayers of the said corporation; and whereas the said corporation has by its petition further represented that it is expedient to raise the sum of \$10,000 for the purpose of completing Bridge and Queen streets in the said corporation as connecting links of the county road system of the county of Lanark or as part of the said connecting links system and part of the provincial highway system of the Province of Ontario and to pay forthwith the whole of the said corporation's share of the cost of the said roads would also be unduly burdensome and oppressive on the ratepayers of the said corporation; and whereas the said corporation of the town of Almonte has by its petition prayed that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Town of Almonte Act, 1927.* ^{Short title.}
2. The floating debt of the corporation of the town of Almonte is consolidated at the sum of \$15,000, and the said corporation may borrow by a special issue of debentures a sum not exceeding \$15,000 for the purpose of paying the said floating debt which debentures shall be made payable in not more than fifteen years from the date of issue thereof. ^{Floating debt consolidated at \$15,000.}
3. The said corporation of the town of Almonte may borrow by a special issue of debentures a sum not exceeding \$10,000 for the purpose of completing the said Bridge and Queen streets as connecting links of the county roads system ^{Authority to borrow \$10,000 by issue of debentures.}

of the county of Lanark or as part of the connecting links system of the county of Lanark and part of the provincial highway system of the Province of Ontario, which said debentures shall be made payable in not more than twenty years from the date of issue thereof.

Terms of debenture and interest.

4. The said debentures shall be in sums of not less than \$100 each, and shall bear interest at a rate not exceeding five per centum per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

Equal annual instalments of principal and interest.

5. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the periods for which the debentures are to run.

Special rate.

6. The said corporation shall levy in each year during the periods within which the said debentures are to run, in addition to all other rates, special rates sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application of debentures.

7. The debentures to be issued under the authority of section 2 of this Act and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and the debentures to be issued under the authority of section 3 of this Act and all moneys arising from the sale thereof shall be applied for the completion of Bridge and Queen streets and for no other purpose.

Assent of electors not required.

1922, c. 72.

8. It shall not be necessary to obtain the assent of the electors of the town of Almonte to the passing of any by-law which shall be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922.*

Irregularity in form not to invalidate.

9. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to keep a book of account.

10. It shall be the duty of the treasurer, for the time being, of the said town, to keep, and it shall be the duty of each of

the

the members, from time to time, of the council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by section 2 of this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers conferred by section 2 of this Act, or any of such debentures.

11. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 100.

An Act respecting the Village of Bayfield.

Assented to 5th April, 1927.

WHEREAS the village of Bayfield has by its petition represented that it was incorporated by by-law number 12 for 1875 of the county council of Huron and the lands so erected into an incorporated village included an area of five hundred acres; and that by chapter 40 of the Acts passed in the 39th year of the reign of Her late Majesty Queen Victoria, the said by-law was confirmed and the limits of the said village were extended so that thereafter the area comprised within the said village included seventeen hundred and sixty acres; and that by an order of the Ontario Railway and Municipal Board made on the eleventh day of November, 1925, certain farm lands were detached from the said village and the area thereof now comprises five hundred and forty-three acres; and that the preamble of the said Act sets forth that the population of the said area exceeded eight hundred souls and the business and prosperity of the said village was increasing and likely to increase; that the whole resident population of the said village as appeared by the last revised assessment roll is three hundred and forty-eight persons and instead of developing industrially the village has now no industries of importance to justify its continuance as an incorporated village; and that the municipal council of the said village and a majority of the freeholders according to the last revised assessment roll thereof have by petition prayed that an Act be passed to annul the incorporation of the said village and to restore the lands now comprised therein to the township of Stanley and the township of Goderich as the same were prior to the incorporation of the said village and that a portion of the said lands being not more than five hundred acres be erected into a police village; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title

1. This Act may be cited as *The Village of Bayfield Act, 1927.*

2. Chapter 40 of the Acts passed in the thirty-ninth year ^{38 Vict., c. 40.} ~~repealed.~~ of the reign of Her late Majesty Queen Victoria is hereby repealed and the incorporation of the village of Bayfield is annulled.

3. The territory comprised within the said village of <sup>Lands
annexed
adjacent
townships.</sup> Bayfield and lying to the southward of the Bayfield river is hereby annexed to and shall form part of the township of Stanley and the territory comprised within the said village of Bayfield and lying to the northward of the Bayfield river is hereby annexed to and shall form part of the township of Goderich.

4. For purposes of municipal taxation and otherwise the <sup>Date of
annexation.</sup> annexation hereby effected shall be deemed to have been made on the first day of January, 1927.

5. All the lands by this Act annexed to the township of <sup>Erection
of police
village.</sup> Stanley and the township of Goderich saving and excepting those parcels thereof in the township of Goderich which include the lands lying to northward of the deviation road known as the river road and to eastward of the highway known as the first concession road and also the west half of lot 5 in the Bayfield concession are hereby erected into a police village which shall be known as the "Police Village of Bayfield" and shall be deemed to have been erected into a police village on the first day of January, 1927.

6. The first election of trustees shall be held at the village <sup>First
election.</sup> hall in the said village by John Pease, returning officer, on Monday, the second day of June, 1927, and the first meeting of the trustees shall be held at the said village hall on Monday, the ninth day of June, 1927, at the hour of twelve o'clock noon.

7. All debts and liabilities of the said village existing on <sup>Assets and
liabilities.</sup> the first day of January, 1927, shall be a charge upon the lands comprised in the said police village and all assets of the said village shall be deemed henceforth to be assets of the said police village.

CHAPTER 101.

An Act respecting the Township of Bertie.

*Assented to 5th April, 1927.***Preamble.**

WHEREAS the corporation of the township of Bertie in the county of Welland, has by its petition represented that the township of Bertie is bounded on the south by Lake Erie and on the west by the Niagara river, just opposite the city of Buffalo and that its population is rapidly increasing especially in those portions along the shores of Lake Erie and the Niagara river and with the completion of the highway bridge will be practically a suburb of the city of Buffalo; and that by reason of such districts being thickly populated, it is desirable that certain powers should be conferred upon the corporation for the purpose of enabling the corporation to instal waterworks systems, construct sewers and sewage disposal works in defined areas of the township; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Township of Bertie Act, 1927.*

**Establish-
ment of
sewer and
water areas.**

2. The council of the township of Bertie may from time to time pass by-laws to set apart and establish as a sewer area or as a water area any portion of the township described in such by-law, and to construct, enlarge, extend, improve and operate sewerage systems and sewage disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein.

**How cost
to be
assessed.**

3.—(1) The entire cost of the construction, enlargement, extension, improvement, operation, maintenance, management, and repair of any such sewerage systems or sewage disposal works or of any such waterworks systems, save and

except

except such works as are undertaken pursuant to the provisions of section 4 shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

(2) The corporation may borrow the amount of the cost ^{Borrowing powers.} of any work undertaken under this section by the issue of debentures payable within a period not exceeding 30 years from the date of the issue thereof.

4. The council may undertake within any sewer area or ^{Works to be undertaken as local improvements within certain exceptions.} areas the construction of sewers and necessary appliances and accessories and private drain connections and within any water area or areas the construction of watermains and necessary appliances and accessories as local improvements pursuant to the provisions of *The Local Improvement Act, 1927, c. 62.* except that,—

- (a) Subject to the provisions of clause (c) where a work is constructed to serve lands situate entirely within one area, that part of the cost which would otherwise be the corporation's portion of the cost shall be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting on or served by the work.
- (b) Where a work is constructed to serve lands situate within more than one area, the council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such areas in the manner in this section provided.
- (c) The council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council provide that a certain annual rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed against the land fronting or abutting directly on or served by the sewers or watermains constructed in the area designated in such by-law during the currency of the debentures issued to pay for the cost of such sewers or watermains and that the remainder of the cost, if any, not provided for by such annual

rate, shall be borne by the area, provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the sewer or watermain, the surplus resulting therefrom shall be deposited to a special account to be used by the council for the benefit of such area. Any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the council.

1827 c. 12.

- (d) In any notice of council published, served or mailed pursuant to sections 10, 12, 37 or 42 of *The Local Improvement Act* in respect to the construction of sewers or watermains, it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the corporation or the area, but it shall be sufficient to show the annual special rate per foot frontage.
- (e) After a work undertaken has been completed it shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it is constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof.
- (f) Where it will be more economical owing to rock excavation, damage to a pavement, or for any other reason which the engineer deems sufficient, to lay watermains or sewers on both sides of a street, the by-law for undertaking the work may so provide, and that,—
 - (i) the cost of the two watermains and of the service pipes and stopcocks, or
 - (ii) the cost of the two sewers and the sewer connections,

shall be added together and the total cost thereof specially assessed against the lots fronting or abutting on both sides of the street as one watermain or one sewer.

Temporary
advances to
meet cost
of work.

- 5.** The council may agree with any bank or person for temporary advances to meet the cost of any of the works hereby authorized pending the completion thereof, and the council may when the work undertaken is completed borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of

the work undertaken, including the items of cost referred to in subsection 2 of section 20 of *The Local Improvement Act, 1927, c. 62.* and may issue debentures for the sums so borrowed.

6. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the council shall provide for the deficiency in the estimates for the current or the following year, and levy and collect the same by a general rate on all the rateable property in the municipality, but this shall not relieve the land in such area or areas so assessed from the rates imposed thereon.

7. The council of the township of Bertie may from time to time pass by-laws to enlarge or reduce any defined area by annexing thereto such portion or portions of the said township or of any area or by withdrawing therefrom such portion or portions of the area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof, or to subdivide, vary, or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in the by-law.

8.—(1) The council of the township of Bertie may enter into an agreement with any other municipality or municipalities and any other municipality or municipalities may enter into an agreement with the township of Bertie for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plant, appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the construction, enlargement, improvement, and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Bertie as fixed by such agreement shall be levied upon all the rateable property in such area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of constructing, extending, operating and maintaining the said works, or if more than one area then to such areas in proportion to their respective shares of the cost of such construction, enlargement, improvement, extension, operation and maintenance.

(2) The council of the corporation of the township of Bertie and the council or councils of any other municipality or municipalities may enter into agreements for the admission of sewage into sewers of other municipalities.

sewerage works of such other municipality or municipalities, and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefitted thereby, or if more than one area, then on all the rateable property in such areas in such proportion as the council may by by-law determine.

*Assent of
electors not
required.*

(3) The council of the corporation of the township of Bertie may enter into agreement with the council or councils of any other municipality or municipalities for the admission of sewage from such other municipality or municipalities into the sewers and sewerage works of the said township of Bertie, and in such event the revenue arising therefrom shall be credited to the sewer area of the township into whose sewers or works the sewage is admitted, or if more than one area then to such sewer areas in such proportion as the council may by by-law determine.

*Assent of
electors not
required.*

9. It shall not be necessary to submit for the assent of the electors any by-law passed pursuant to the provisions of this Act, but no by-law relating to the waterworks system, except by-laws passed pursuant to the provisions of section 4 shall be effective until approved by order of the Ontario Railway and Municipal Board and when so approved such by-law shall be valid and binding.

*Installation
of sanitary
conveni-
ences.*

10. Where the local Board of Health recommends that sanitary conveniences should be installed in any building and is of the opinion that the owner of the premises is unable to pay the expense of the same at once, the municipality may install suitable sanitary conveniences at the expense of the owner and the board may direct that the cost, including interest at a rate not exceeding six per cent. per annum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and thereupon such annual payments shall be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

*Commencement
of Act.*

11. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 102.

An Act to define the Boundaries or Limits of the
Municipal Corporation of the Township
of Chapleau.

Assented to 5th April. 1927.

WHEREAS the municipal corporation of the township of *Preamble.* Chapleau, in the district of Sudbury, has by petition represented that the said corporation was at some date prior to the 1st day of February, A.D. 1901, duly incorporated as a municipality under the provisions of *An Act respecting Municipal Institutions in Unorganized Districts*, and that as far as can be ascertained, the boundaries or limits of the said municipality were not then defined or delimitated according to the provisions of the said Act; and that it was assumed by the various councils of the said municipality since the date of incorporation that the boundaries or limits of the said municipality were substantially as hereinafter set forth; and that the said councils have since the 2nd day of February, A.D. 1901, exercised jurisdiction over, made assessments and levied taxes upon lands and properties comprised in the said area; and that it is now expedient and necessary that the boundaries or limits of the said municipality be defined and delimitated; and that in order to ratify and confirm the actions of the previous councils of the said municipality in exercising jurisdiction over the said area it shall be declared that the provisions of this Act shall be retroactive to the 1st day of February, A.D. 1901; and whereas the said corporation has by its petition prayed that an Act be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Municipality of Chapleau Short title. Boundaries Act, 1927.*

2. The boundaries or limits of the municipal corporation ^{Definition of boundaries.} of the township of Chapleau, in the district of Sudbury, shall be defined to be as follows:

Commencing at the northeasterly angle of lot 6, concession 6, of the township of Chapleau; thence northerly along the northerly production of the easterly limit of the said lot to the westerly production of the northerly limit of location E.S. 1; thence easterly along said westerly production to the northwesterly angle of said location E.S. 1; thence still easterly along the said northerly limit of location E.S. 1 to the northeasterly angle thereof; thence northerly along the westerly limit of location E.S. 20 to the northwesterly angle thereof; thence easterly along the northerly limits of the said last-mentioned location to the northeasterly angle thereof; thence still easterly along the northerly limit of location W.S. 32 to the northeasterly angle thereof; thence still easterly along the easterly production of said last-mentioned northerly limit of the southerly shore of Kebssquashing Lake; thence northeasterly along said shore to the intersection of same with the northerly production of the westerly limit of location E.S. 9; thence southerly along said northerly production to the northeasterly angle of the said location E.S. 9; thence still southerly along the said easterly limit of location E.S. 9 and the southerly production thereof to the southerly shore of Kebssquashing River; thence southwesterly along said shore to the westerly limit of the lands and Bishop of Moossee; thence southerly along said westerly limit to the northwesterly angle of the Indian Reserve as shown on a plan of the township of Chapleau on record in the Department of Lands and Forests; thence still southerly along the westerly limit of said Indian Reserve to the easterly shore of Kebssquashing River; thence still southerly along said shore to the easterly limit of the right-of-way of the Canadian Pacific Railway; thence still southerly along said last-mentioned easterly limit to the easterly production of the southerly limit of location "B" as shown on the said plan; thence westerly along said last-mentioned easterly production to the southeasterly angle of said location "B"; thence still westerly along the southerly limit of said location "B" to the southwesterly angle thereof; thence still westerly along the westerly production of the said southerly limit of the said location "B" to the westerly limit of lot 5, concession 4, of the township of Chapleau; thence northerly along said last-mentioned westerly limit to the northeasterly angle of lot 6, concession 4, township of Chapleau; thence still northerly along the said easterly limit

of lot 6, concession 5, of the said township of Chapleau to the southeasterly angle of location E.S. 8; thence still northerly along the easterly limit of said last-mentioned location to the northeasterly angle thereof; thence still northerly along the easterly limit of lot 6, concession 5, to the northeasterly angle of the said lot; thence westerly along the northerly limit thereof to the southeasterly angle of lot 6, concession 6, of the said township; thence northerly along the easterly limit of said last-mentioned lot to the southerly limit of location E.S.A.; thence westerly along said southerly limit to the southerly shore of Kebsquashing Lake; thence northeasterly along said shore to the aforesaid easterly limit of lot 6, concession 6, of said township; thence northerly along said last-mentioned easterly limit to the place of beginning; containing by admeasurement 3,336 acres be the same more or less.

3. The acts of all duly appointed councils of the said municipality in exercising jurisdiction over, making assessments and levying taxes upon all or any lands and properties situate within the area defined in section 2 hereof are hereby confirmed and declared to be legal, valid and binding to the same extent as if this Act had been passed on the 1st day of February, A.D. 1901.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

*Commencement
of Act.*

CHAPTER 103.

An Act respecting the Town of Cobalt.

*Assented to 5th April, 1927.**Preamble.*

WHEREAS the corporation of the town of Cobalt, in the district of Temiskaming, has by petition represented that it is desirable to authorize the said council, notwithstanding the provisions of *The Statute Labour Act* and *The Assessment Act*, to pass a by-law fixing the poll tax at an amount not to exceed ten dollars (\$10); and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Town of Cobalt Act, 1927.*

*Right to fix amount of poll tax.
Rev. Stat., e. 196.*

2. The council of the corporation of the town of Cobalt may, by by-law, fix the tax payable under the provisions of section 4 of *The Statute Labour Act* at an amount not to exceed ten dollars (\$10).

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 104.

An Act respecting the Township of Cornwall.

Assented to 5th April, 1927.

WHEREAS the municipal corporation of the township Preamble. of Cornwall, in the county of Stormont, has by its petition represented that on the seventeenth day of May, A.D. 1926, the said corporation entered into an agreement with the Canadian Cellulose Company, Limited, a body corporate, having its chief place of business at the city of Montreal, in the province of Quebec, whereby the said company agreed to establish within the municipal boundaries of the said corporation a mill for the purpose of manufacturing bleached soda pulp, and to equip and operate the same, and whereby the said corporation agreed to fix the assessment of the lands and buildings at a sum equal to that at which the land was assessed to the Howard Smith Paper Mills, Limited, who were then the owners of said lands, which assessment amounted to \$800; and whereas under and by the said agreement the said company agreed to construct certain buildings and instal machinery and equipment therein at a certain cost and to employ certain operatives therein, which agreement is set out in schedule "B" hereto; and whereas the said corporation by its by-law numbered 1109 for the year 1926, as set out in schedule "A" hereto, did authorize and empower the reeve and clerk of the said corporation to execute the said agreement and attach the seal of the corporation thereto; and whereas the said corporation has by its petition represented that the establishment of the said industry within the corporate limits of the said corporation will be of great advantage to the said corporation; and whereas the said corporation has by its said petition prayed that an Act may be passed validating and making legal and binding the said by-law and the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Township of Cornwall Act, 1927.*

By-law No.
1109 con-
firmed.

2.—(1) Subject to subsection 2, by-law number 1109 of the municipal corporation of the township of Cornwall, in the county of Stormont, for the year 1926, as set forth in schedule "A" to this Act, and the agreement therein referred to between the said corporation and the said Canadian Cellulose Company, Limited, as set forth in schedule "B" to this Act, are declared valid and binding upon the said municipal corporation and the ratepayers thereof and upon the said company.

Local
improve-
ments and
school taxes
exempted.

(2) Notwithstanding anything therein contained the said by-law and agreement shall not affect or apply to taxation for school purposes or local improvements.

SCHEDULE "A."

BY-LAW OF THE TOWNSHIP OF CORNWALL, NUMBER 1109.

Whereas certain Capitalists, who intend to be incorporated under the name of the Canadian Cellulose Company Limited, propose to locate in the Township of Cornwall, and to erect, on property which they propose to lease or purchase from the Howard Smith Paper Mills Limited, a mill for the purpose of manufacturing bleached soda pulp, representing that the said Mill, when erected, will have a capacity of about twelve thousand tons, yearly, and that they will employ about fifty men in the operation of the said Mill in the Township of Cornwall and they propose erecting the buildings and installing in the same the necessary machinery, and have asked, as an inducement for them to erect this plant in the said Township of Cornwall, that the said buildings and machinery should be exempt from taxation for all purposes whatsoever, except School purposes and such local improvement taxation as they will be assessed for, for a period of ten (10) years.

And whereas the said Municipal Corporation of the Township of Cornwall have consented to pass a By-law for that purpose.

Be it therefore enacted a By-law of the said Corporation of the Township of Cornwall, that in consideration of the said Company to be incorporated under the name of the Canadian Cellulose Company Limited, erecting buildings and installing in the same the necessary machinery for manufacturing bleached soda pulp, upon part of the property now owned and assessed to the Howard Smith Paper Mills Limited, such plant, when erected, to have an annual capacity of about twelve thousand tons, and to employ about fifty men, in and around the said plant, the land to be occupied by the said plant shall be assessed for the same amount as it is now assessed to the Howard Smith Paper Mills Limited and that the buildings and machinery to be erected thereon, shall be exempt from all assessments for all purposes whatever, except for School purposes and for such local improvement taxation as they may be liable for, for a period of ten (10) years from the completion of the said Mill, and as to the Assessment for School purposes, it shall be fixed at the sum of Twenty thousand dollars (\$20,000) and the said Company shall pay for School purposes the School taxes upon the said assessment.

This By-law shall come into effect when approved by Order-in-Council and as provided by Subsection "D" of Section 5 of *The Municipal Franchise Act.*

All expenses in connection with the procuring of the approval by said Order-in-Council shall be paid by the Company.

Passed, signed and sealed in open Council this 17th day of May, A.D. 1926.

(Sgd.) J. McDONALD, Reeve.
(Sgd.) J. W. MCLEOD, Clerk.

SCHEDULE

SCHEDULE "B."

Articles of agreement made and entered into this seventeenth day of May, A.D. 1926.

BETWEEN:

THE CANADIAN CELLULOSE COMPANY LIMITED, a body politic and corporate and having its chief place of business in the City of Montreal, hereinafter called the "Company,"

of the first part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF CORNWALL, in the County of Stormont, hereinafter called the "Corporation,"

of the second part.

Whereas the above-named Company have made arrangements to lease or purchase certain lands and premises from the Howard Smith Paper Mills Limited, being part of Lot Thirteen and Fourteen in the first concession of the said Township of Cornwall, for the purpose of erecting a Mill thereon and installing the same with machinery for manufacturing bleached soda pulp.

And whereas the said Company have asked that the Corporation pass a By-law exempting them from certain taxation to be set out in the By-law to be passed by the said Corporation.

Now therefore in consideration of the premises and the sum of One dollar of lawful money of Canada (\$1.00) paid by the said Company to the said Corporation and by the said Corporation to the said Company, receipt whereof is by each of them respectively acknowledged, the said Company agree that in the event of the said Corporation passing a By-law providing that the land to be occupied by the said Company's plant shall only be assessed for the same amount as it is now assessed to the Howard Smith Paper Mills Limited and that the buildings to be erected thereon together with the machinery installed therein shall be exempt from all assessments for all purposes whatsoever except for School purposes and for such local improvement taxation as they may be liable for, for a period of ten years from the first day of January, 1927, and as to the assessment for School purposes that the same shall be fixed at the sum of Twenty thousand dollars (\$20,000) and the said Company to pay the taxes for School purposes upon such assessment, they the said Company will erect and complete the Mill upon the said property and instal the same with the necessary machinery, said building and machinery to cost at least the sum of Four hundred thousand dollars for the purpose of manufacturing bleached soda pulp which said Mill when erected will have a capacity of about twelve thousand tons yearly and the Company will employ about fifty men in the operation of the said Mill situate in the said Township of Cornwall and the said Mill will be ready for operation on or before the first day of January, 1927, or as nearly thereafter as is possible to have the said Mill erected but they consent to the assessment being fixed upon the said Mill as of the first day of January, 1927, and the Company further agree that they will pay the taxes on the lands to be assessed at the same amount as now assessed to the Howard Smith Paper Mills Limited and they will also pay such local improvement taxation as they may be liable for and also pay such taxes as they may be liable for upon the assessment of twenty thousand dollars (\$20,000) and will do all things necessary to carry out the terms agreed upon herein.

In witness whereof the said Company have executed these presents by their President and Secretary and the said Corporation by their Reeve and Clerk under their separate Corporate Seal.

SIGNED, SEALED AND DELIVERED,
in the presence of:

(Sgd.) E. H. JONES,
as to execution by Company.

CANADIAN CELLULOSE LIMITED.
(L.S.)

(Sgd.) ABE DAVE,
as to execution by Corporation. V. McDONALD, *Reeve.*
J. W. McLEOD, *Clerk.*
(L.S.)

CHAPTER

CHAPTER 105.

An Act respecting the Town of Dundas.

Assented to 5th April, 1927.

Preamble

WHEREAS the municipal corporation of the town of Dundas has by its petition represented that the geographical position of the town is such that much of the surface water from the neighbouring and surrounding heights, including much of the townships of Beverly, West Flamboro and Ancaster passes through creeks flowing through private lands in the town into Burlington Bay; and that during the time of spring freshets the waters in the said creeks flow in such volume and with such velocity as to cause serious damage to the property of riparian owners and others within the said town; and whereas it is desirable that the said corporation should be granted power to construct a drain and any other work necessary to prevent such damage; and whereas the corporation of the town of Dundas has by its petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Town of Dundas Drainage Act, 1927.*

Power to do drainage work.

2. For the purpose of preventing damage to property caused by the flooding of water during time of freshet in any stream, creek or watercourse in the said town the corporation of the town of Dundas of its own motion and without any petition therefor and notwithstanding any petition against the same may pass a by-law or by-laws to construct any drain or ditch, and to deepen, straighten, widen, remove obstructions in, and otherwise improve any such stream, creek or watercourse and also to execute and construct any drainage work which can only be effectually executed by embanking, pumping or other mechanical operation.

Power to expropriate land.

3. For the purpose of executing any work authorized by this Act the council of the said corporation, by its agents,

officers.

officers, employees or contractors may enter upon, take and expropriate any land in the said town, and the provisions of *The Consolidated Municipal Act, 1922*, as to the payment of compensation therefor and also in respect of any land injuriously affected by the execution of any such work shall apply except that in case of arbitration a judge of the county court of the county of Wentworth shall be the sole arbitrator.

4. Any such work shall be undertaken under the supervision of the board of works of the said town who shall when so directed by the council prepare or cause to be prepared plans and specifications of the proposed work together with a report thereon showing the estimated cost of the work, and the council may engage the services of any engineer for such purpose. *

5. When the council has approved of the plans and specifications and report it may authorize the work to be constructed under the supervision of the board of works. *
Authorization of work.

6. The corporation may assume such part of the cost as may be deemed proper by the council. Corporation may assume part of cost.

7.—(1) After the work has been completed the assessor or some other officer appointed by the council shall prepare a special assessment roll in which he shall enter the name of every owner of a lot benefitting by the work, and a description of the lot by number or other description sufficient to identify it, and the amount of the special assessment against each lot for the benefit received from the work. Assessment of lands to benefit by work, on special roll.

(2) When the assessor or other officer has completed the special assessment roll he shall certify the same and file it in the office of the clerk. Roll to be certified and filed.

(3) The owner of any lot liable to the special assessment shall have the right to appeal to the court of revision against the amount of the special assessment within ten days after the date of filing the special assessment roll, by giving notice in writing to the clerk of the town. Appeal.

(4) The clerk of the town shall after the filing of the special assessment roll post a notice up in his office setting out the day of filing and the time within which an appeal may be taken, as provided by subsection 3. Notice of filing of roll.

(5) The owner of any lot specially assessed in the sum of \$50 or over shall have a further right to appeal from the court of revision to a judge of the county court within five days after he has received notice from the clerk of the decision of the court of revision. Appeal from Court of Revision.

Temporary advances to meet cost.

8.—(1) The council may agree with any bank or person for temporary advances to meet the cost of the work pending the completion of it.

Issue of debentures.

(2) The council may, when the work undertaken is completed, borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of the work undertaken, including the corporation's portion of the cost, and may issue debentures for the sums so borrowed.

Owner's portion of cost.

(3) The owner's portion of the cost shall be met by the special assessments which shall be payable in equal annual instalments of principal and interest during a period not exceeding ten years and the amount of each instalment shall be entered on the collector's roll and collected in the same manner as other taxes.

Corporation's portion of cost.

(4) The corporation's portion of the cost of the work shall be met by a special rate on all the rateable property in the town during the same period that the instalments of the special assessment are payable.

Corporation's portion of cost may be included in estimates for year.

(5) Instead of borrowing the amount of the corporation's portion of the cost the council may include the same in the estimates for the year.

Assent of electors not required.

9. It shall not be necessary that any by-law passed pursuant to this Act shall be submitted to or receive the assent of the electors, or to observe any of the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

Commencement of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 106.

An Act respecting the Town of Dunnville.

Assented to 5th April, 1927.

WHEREAS the municipal corporation of the town of Dunnville has by its petition represented that there is a floating indebtedness of the town of Dunnville, amounting to the sum of \$50,000, which has been accumulating for several years, which indebtedness has accumulated through marked changes and conditions in the said municipality and by expenditures for works of a permanent nature, for a fire truck, for charity relief, patriotic purposes and for interest paid on the town's indebtedness from time to time; and to meet such extraordinary expenditures the said sum of \$50,000 has been borrowed from the Canadian Bank of Commerce from time to time; which floating indebtedness, if paid out of the current revenue would unduly burden and be oppressive upon the ratepayers of the said town of Dunnville, and the said town of Dunnville has prayed that the said floating debt of \$50,000 may be consolidated, and that the said corporation may be authorized to borrow by the issue of debentures sufficient money to discharge the said debt; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Town of Dunnville Act, 1927.* Short title.

2. The floating debt of the corporation of the town of Dunnville is consolidated at the sum of \$50,000, and the said corporation may borrow by a special issue of debentures a sum not exceeding \$50,000 for the purpose of paying the said floating debt. Floating debt consolidated at \$50,000.

3. The said debentures shall be made payable in not more than ten years from the date of issue thereof, and shall bear interest at a rate not exceeding five and one-half per centum per annum, and may be issued either with or without coupons attached thereto for interest, and shall be payable at such place or places as the corporation may deem expedient. Term of debentures and interest.

Equal annual instalments of principal and interest. **4.** The said debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Special rate. **5.** The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application of proceeds of debentures. **6.** The debentures and all monies arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of electors not required. **7.** It shall not be necessary to obtain the assent of the electors of the town of Dunnville to the passing of any by-law which shall be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922.*

Irregularity in form not to invalidate. **8.** No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest, or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to keep proper books of account. **9.** It shall be the duty of the treasurer for the time being, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures and the application which shall from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any

of the holders, from time to time of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

10. This Act shall come into force on the day upon which <sup>Commencement of
Act.</sup> it receives the Royal Assent.

CHAPTER 107.

An Act respecting the Town of Eastview.

*Assented to 5th April, 1927.***Preamble.**

WHEREAS the municipal corporation of the town of Eastview has by its petition represented that it has incurred a floating debt of \$121,600 which has arisen by reason of a defective system of tax collection and by the accumulation of arrears of taxes; and whereas the said corporation proposes to change its method of tax collection but before doing so it is desirable that the floating debt should be consolidated; and whereas the said corporation has by its said petition represented that to pay off the said indebtedness forthwith, in addition to meeting the current annual expenses, would be unduly burdensome on the rate-payers of the said town; and whereas the said corporation has prayed that the various debts may be consolidated and that it be authorized to borrow money by the issue of debentures of the said town to pay off the said floating indebtedness; and whereas the total debenture indebtedness of the said town is \$521,173.45 and no part thereof is in arrear either for principal or interest; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Town of Eastview Act, 1927.*

**Floating
Debt con-
solidated at
\$120,000.**

2. The floating debt of the corporation of the town of Eastview is consolidated at the sum of \$120,000 and the said corporation may borrow by a special issue of debentures a sum not exceeding \$120,000 for the purpose of paying the said floating debt.

**Terms of
debentures
and interest.**

3. The said debentures shall be in sums of not less than \$100 each and shall be made payable in not more than twenty years from the date of issue thereof and shall bear interest at a rate not exceeding five and one-half per centum per annum and may be issued either with or without coupons

attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

4. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

5. The said corporation shall levy in each year during the period within which the said debt is payable in addition to all other rates a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

6. The said debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debentures. Application of debt and for no other purpose.

7. It shall not be necessary to obtain the assent of the electors of the town of Eastview to any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922.*

1922, c. 72.

8. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

9. It shall be the duty of the treasurer, for the time being, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures, and the application which shall from time

to time be made of the said amounts and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town and of any of the holders from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

CHAPTER 108.

An Act respecting the Essex Border Utilities
Commission.

Assented to 5th April, 1927.

WHEREAS the Essex Border Utilities Commission has by *Preamble* its petition represented that it is desirable that a re-apportionment upon the basis of actual benefit derived amongst the several municipalities of the cost of any of the works which it is authorized to construct be made annually and that the Commission be authorized to equalize the payments accordingly; and that it is desirable to make plain the procedure where an engineer's report upon the cost of completing, extending or improving a work previously authorized is filed and that *The Consolidated Essex Border Utilities Act, 1921*, be amended accordingly; and whereas the said Commission has prayed that an Act may be passed for the said purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— *

1. This Act may be cited as *The Essex Border Utilities Act, Short title, 1927.*

2. Section 20 of *The Consolidated Essex Border Utilities Act, 1921*, o. 99, s. 20, is hereby repealed and the following substituted *repealed.* therefor,—

20.—(1) On or before the first day of December in any year the council of any of the Essex Border municipalities may file with the secretary of the Commission an application showing that its actual benefit derived from any authorized work during the previous year substantially differs from its apportionment of the debt incurred and asking for a refund therefor accordingly and for a re-apportionment of the unpaid part of such debt and the Commission shall hear all parties signifying their desire to be heard and may by by-law re-apportion amongst the municipal cor-

porations

porations liable the said debt according to the benefit derived and also the annual amounts thereafter to be raised to pay the debentures issued and shall equalize the payments accordingly.—

- (2) A period of two weeks shall be allowed to elapse between the second and third readings of the by-law and during this period any of the said corporations may appeal to the Ontario Railway and Municipal Board and in that event the question of the reapportionment shall be reconsidered and determined by the Municipal Board and in case the said Commission or the Municipal Board shall alter the apportionment then from and after the service of a copy of the said by-law or order (as the case may be) upon the clerks of the municipalities liable each corporation shall raise and levy the sum or sums provided in said order or by-law until the debt is fully paid by a special rate or rates sufficient therefor over and above all other rates on the rateable property of the municipality to be collected at the same time and in the same manner as other rates, but the total of the amounts to be raised by the corporations to pay any debenture or debt shall not be changed:
- (3) A copy of the proposed by-law shall within three days after it has received its second reading be served upon the clerks of each of the municipalities which may be liable thereunder together with a notice stating the day of its second reading and that an appeal must be brought within two weeks from said day.
- (4) If the council of any corporation refuses or neglects after service of the said order or by-law to impose or collect the said rate, the sum so required to be raised shall be a debt which may be recovered by the Commission from the corporation liable by suit in any court of competent jurisdiction.

1921, c. 90,
S. 10,
amended.

3. Subsection 1 of section 10 of the said Act is amended by adding thereto the following clause:

Engineer's
report on
cost of
extension
required.

- (a) Before passing a by-law to borrow by the issue of debentures to meet the cost of completing, extending or improving any work previously authorized the Commission shall procure from their engineer a report under section 13 hereof apportioning the additional cost amongst the municipalities liable but it shall not be necessary to submit to the electors a further question in regard to the same.

CHAPTER 109.

An Act respecting the Village of Forest Hill.

Assented to 5th April, 1927.

WHEREAS the corporation of the village of Forest Hill Preamble. has by its petition prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Village of Forest Hill Act*, Short title. 1927.

2.—(1) The corporation of the village of Forest Hill may pass by-laws, to provide that when the construction of a watermain or water pipe undertaken and constructed as a local improvement under the provisions of *The Local Improvement Act* is used both as a trunk main and as a service pipe, such part of the cost of construction thereof, including any claim for compensation for damages arising out of or incidental to the same, as the council of the said corporation may by a vote of two-thirds of all the members determine, shall be raised by a special rate on all the rateable property in the municipality and the balance thereof as provided in section 20 of *The Local Improvement Act*. 1927, c. 62.

(2) The provisions of subsection 1 shall be deemed to have been in force on and after the first day of January, 1925. Subsection 1
made retro-
active.

3.—(1) All sales of lands within the village of Forest Hill made in the year 1925, which purport to have been made by the said corporation for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all conveyances of lands so sold, executed by the reeve and treasurer of the said corporation, purporting to convey the said lands so sold to the purchaser thereof, or his, her, or their assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser, or his, her or their assigns, Confirmation of
tax sales
and deeds.

in fee simple, free and clear of and from all right, title and interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accrued or accruing since those for which payment whereof the said lands were sold.

Pending litigation not affected. (2) Nothing in this section contained shall affect any action or other proceeding now pending, and such action or other proceeding may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Power to change date of nomination and polling.

4. The council of the corporation of the village of Forest Hill may by by-law passed not later in the year than the 15th of November, provide that the meeting of electors for the nomination of candidates for reeve, deputy reeve or reeves, councillors and school trustees, if necessary, shall be held on the 21st day of December, except where that day is a Sunday and in that case on the preceding Friday, and that the polling shall take place on the first day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

CHAPTER 110.

An Act respecting the Village of Fort Erie.

Assented to 5th April, 1927

WHEREAS the municipal corporation of the village of ~~presently~~ Fort Erie has, by its petition, represented that the corporation has incurred for the purpose of constructing sidewalks and watermains a floating debt to the extent of \$20,000; and whereas the said corporation has by its petition represented that to pay off the said floating debt of \$20,000 now due and owing and to pay in addition thereto the ordinary annual expenditures would be unduly oppressive to the rate-payers of said village; and whereas the said corporation has prayed that the said floating debt of \$20,000 be consolidated and that the said corporation be authorized to borrow by the issue and sale of debentures sufficient money to discharge said floating debt; and whereas the said corporation has by its petition represented that by-law number 604 was duly passed by the council of the said corporation; that certain doubts have arisen as to the validity of the said by-law; and that it is desirable that the said by-law should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Village of Fort Erie Act*, short title 1927.
2. The floating debt of the corporation of the village of Fort Erie is consolidated at the sum of \$20,000 and the said corporation may borrow by a special issue of debentures ^{Floating debt consolidated at \$20,000 and power to issue debentures} a sum not exceeding \$20,000 for the purpose of paying the said floating debt.
3. The said debentures shall be made payable in not more than ten years from the date of issue thereof, and shall bear interest at a rate not exceeding six per centum per annum,

and

and may be issued either with or without coupons attached thereto for interest, and shall be payable at such place or places as the corporation may deem expedient.

Interest and principal.

4. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Levy of special rate.

5. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application of moneys.

6. The debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of electors not required.

1922, c. 62.

7. It shall not be necessary to obtain the assent of the electors of the village of Fort Erie to the passing of any by-law which shall be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922.*

Irregularity not to invalidate.

8. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to keep books.

9. It shall be the duty of the treasurer, for the time being, of the said village, to keep, and it shall be the duty of each of the members, from time to time, of the council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures,

and the application which shall, from time to time, be made of the said amounts and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said village, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

10.—(1) Any sidewalk or pavement hereafter undertaken and constructed by the corporation of the village of Fort Erie shall be constructed under the provisions of *The Local Improvement Act*; provided however that section 26 of such Act shall not apply to any work undertaken as aforesaid.

Construction
of sidewalks,
pavement,
and water-
mains as
local
improve-
ments.
1927, c. 62.

(2) Any watermain hereafter constructed by the said corporation shall be constructed under the provisions of *The Local Improvement Act* or under and in compliance with subsection 3 of section 400 of *The Consolidated Municipal Act, 1922*.

1927, c. 62.

1922, c. 2.

11. By-law number 604 of the municipal corporation of the village of Fort Erie, set forth in schedule "A" hereto, and all assessments made or to be made and all rates levied or to be levied and all debentures issued or to be issued to meet the cost of the works referred to in said by-law number 604 are hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

By-l. w.
No. 604.

confirmed.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

SCHEDULE "A."

VILLAGE OF FORT ERIE

By-LAW No. 604

A By-law to authorize and confirm the construction of certain sewers as local improvements.

Whereas the Corporation of the Village of Fort Erie has heretofore constructed all sewers as local improvements under the provisions of *The Local Improvement Act*;

And whereas through inadvertence the sewers mentioned in Schedule "A" hereto annexed have been constructed without complying with the provisions of *The Local Improvement Act* in reference to the initiation and authorization thereof;

And whereas it is expedient to authorize and confirm the construction of the said sewers;

Now therefore the Municipal Council of the Corporation of the Village of Fort Erie enacts as follows:—

1. That the sewers mentioned in Schedule "A" hereto annexed be constructed as local improvements under the provisions of *The Local Improvement Act* and that the construction thereof be ratified and confirmed.

2. That the sewers mentioned in Schedule "A" hereto annexed shall be conclusively deemed to have been regularly and legally initiated, authorized and undertaken as local improvements under the provisions of *The Local Improvement Act*, notwithstanding any failure to comply with any of the provisions of *The Local Improvement Act* in regard to the initiation and authorization of the said sewers or otherwise.

3. That the sum of \$1.45 per foot frontage shall be specially assessed on the lands abutting on each of said sewers and the remainder of the cost of each of said sewers shall be borne by the Corporation.

4. The special assessment for each of the said sewers shall be paid by thirty annual instalments.

5. The debentures to be issued for the loan to be effected to pay for the cost of the works shall bear interest at five and one-half per cent. per annum and shall be made payable within thirty years on the instalment plan.

6. Any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon, by paying the portion of the cost of construction assessed upon such lot, without the interest, forthwith after the Special Assessment Roll has been certified by the Clerk, and at any time thereafter by the payment of such sum as when invested at four per cent. per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

Finally passed this 15th day of December, 1926.

L. DOUGLAS, *Reeve.*

A. E. SEATON, *Clerk.*

SCHEDULE "A"

No.	Nature of Work	Street	From	To
1	9" sewer	Bertie Street	468 feet west of the west line of Aber- deen Street.....	Westerly 1,201 feet
2	12" sewer	Murray Street	Centre line of Kin- cardine Street.....	Centre line of Aber- deen Street
3	9" sewer	Albert Street	Centre line of Mur- ray Street.....	South 480 feet

CHAPTER 111.

An Act respecting the City of Fort William.

Assented to 5th April, 1927.

WHEREAS the corporation of the city of Fort William ^{Preamble.} has by petition represented that by-law numbered 2643 of the said city, set out in schedule "A" hereto, was duly published, as required by law, in a newspaper published at Fort William, prior to the date of voting thereon; that the said by-law number 2643 was submitted to the electors of the said city entitled to vote thereon on the 7th day of July, 1926, when out of a total of 4,200 votes entitled to be polled in respect thereof, 1,190 votes were polled in favour thereof and 69 against; that the said by-law number 2643 was finally passed by the council of the said city on the 27th day of July, 1926; and that no application has been made to quash the said by-law, nor is any action pending, wherein the validity of the said by-law is or may be called in question; and whereas the said corporation has by petition further represented that by-law numbered 2665 of the said city, set out in schedule "B" hereto, was published in three issues of a newspaper published at Fort William prior to the date of voting thereon; that the said by-law number 2665 was submitted to the electors of the said city entitled to vote thereon on the 3rd day of January, 1927, when out of a total of 4,388 votes entitled to be polled in respect thereof, 852 votes were polled in favour thereof and 770 against; that the said by-law number 2665 was finally passed by the council of the said city on the 25th day of January, 1927; and whereas the said corporation has by petition further represented that its rateable property as appears by its last revised assessment roll is \$29,560,733, and its present debenture debt is \$6,350,978.31, made up as follows:—

Street railway debenture debt.....	\$1,238,000 00
Waterworks debenture debt.....	1,543,000 00
Electric light debenture debt.....	221,500 00
General debenture debt.....	1,682,227 81
Telephone debenture debt.....	369,000 00
School debenture debt.....	1,306,250 50

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$3,884,975.04 has been provided; and whereas the said corporation has by petition prayed for special legislation in respect of the above and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The City of Fort William Act, 1927.*

**By-law
No. 2643
confirmed.**

2. By-law No. 2643 of the said city, intituled "A By-law to authorize a Certain Agreement with Fort William Paper Company, Limited," as set out in schedule "A" hereto, is confirmed and declared to be legal, valid and binding upon the said city corporation and the ratepayers thereof.

**Agreement
with Fort
William
Paper Co.,
Ltd., con-
firmed.**

3. The agreement between Fort William Paper Company, Limited, and the said city as set forth in schedule "A" hereto, is hereby confirmed and declared to be legal, valid and binding upon the said city corporation and the ratepayers thereof.

**By-law
No. 2665
confirmed.**

4. By-law No. 2665 of the said city, intituled "A By-law to raise the sum of \$42,000 by way of Debentures for the purpose of making a Loan to The Young Men's Christian Association of Fort William," as set out in schedule "B" hereto, is confirmed and declared to be legal, valid and binding upon the said city corporation and the ratepayers thereof.

**Tax sales
and deeds
confirmed.**

5.—(1) All sales of land made prior to the 31st day of December, 1925, and which purported to have been made by the corporation of the city of Fort William for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all deeds of the lands so sold, executed, or which may or shall hereafter be executed, by the proper officers of the corporation of the city of Fort William, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple free from and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns and of all charges and encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

(2) This section shall extend and apply to cases where the corporation of the city of Fort William or any one in trust for it or on its behalf, became the purchaser or grantee of any of such lands.

(3) Nothing in this section contained shall affect any pending action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

6. All assessment rolls of the corporation of the city of Fort William heretofore finally revised, all collectors' rolls of the corporation of the city of Fort William heretofore returned by the collectors thereof, and all collectors' returns of the corporation of the city of Fort William heretofore made are hereby validated and confirmed and declared to be binding upon and conclusive against all persons, parties or corporations affected thereby, notwithstanding any irregularity, fault or omission in the said assessment rolls, collectors' rolls or collectors' returns or in any matter or thing done or omitted to be done in relation thereto (including failure to distrain) and notwithstanding anything contained in any Act or Acts to the contrary.

SCHEDULE "A."

CITY OF FORT WILLIAM.

BY-LAW No. 2643.

A by-law to authorize a certain agreement with Fort William Paper Company, Limited.

The Corporation of the City of Fort William enacts as follows:

1. The Corporation of the City of Fort William may make and enter into an Agreement with Fort William Paper Company, Limited, to the effect set forth in Schedule "A" hereto, and the Mayor and Clerk of the City for the time being are hereby authorized and empowered to sign, seal with the Corporate Seal, execute and deliver the said Agreement on behalf of the City.

In witness whereof the Corporate Seal of the City and the hands of its proper officers in that behalf this 27th day of July, A.D. 1926.

(Sgd.) J. E. CRAWFORD,
Mayor.

(Sgd.) A. MCNAUGHTON,
Clerk.

(SEAL)

SCHEDULE "A."

Memorandum of Agreement made in triplicate this day of ,
A.D. 1926.

Between:

FORT WILLIAM PAPER COMPANY, LIMITED,
hereinafter called the "Company,"

of the first part;
—and—

THE CORPORATION OF THE CITY OF FORT WILLIAM,
hereinafter called the "City,"

of the second part.

Whereby the Company and the City mutually covenant, promise and agree each with the other of them as follows:

1. The Company is to proceed forthwith to erect, complete and fully equip a Sulphite Mill capable of producing 90 tons of sulphite per day, and is to have the same ready for operation by December 31st, 1926.

2. The Company is to proceed immediately to make changes in its present two paper machines so as to bring the capacity thereof up to approximately 200 tons of paper per day, and is to complete such changes by December 31st, 1927.

3. The Company is, on or before December 31st, 1928, to construct the necessary buildings and install therein sufficient equipment to operate an additional news-print machine capable of producing approximately 120 tons of news-print per day.

4. The Company is, on or before December 31st, 1931, to install a further news-print machine capable of producing approximately 120 tons of newsprint per day and the equipment necessary to operate the same.

5. All of the above said buildings, works, machines and equipment are to be erected in and about the present site of the Company's plant in the City of Fort William and when completed as aforesaid are to have a capacity capable of producing 90 tons of sulphite per day and approximately 440 tons of newsprint per day.

6. The Company is to operate its plant, works and equipment over the period of ten years commencing with and including the year 1932 so as to employ and keep employed in connection therewith in the said City during each of the said ten years a sufficient number of employees for a sufficient number of days to equal Seven Hundred employees for Two Hundred and Fifty Calendar days at least in each year, unless prevented by fire, strikes or accidents. In default of the Company so operating and employing such number of men or the equivalent thereof in any year during the said period of ten years, the Company shall not for that year be entitled to the fixed assessment hereinafter provided for.

Provided, however, from the number of days respectively hereinbefore mentioned there shall be deducted the number of days during which the operation of the said plant is interfered with, notwithstanding due diligence on the part of the Company, by reason of fire, accidents, strikes, non-supply of water or power or other happenings beyond the control of the Company and the Company in the event of such interference shall give notice to the City when said interference with the operation of its plant commences and also a like notice when said interference ceases.

7. All fire insurance placed or held by the Company upon any of its property in the City of Fort William shall during the said period of ten (10) years be placed with or through local fire insurance agents residing and carrying on business in the City of Fort William provided such insurance can be so placed equally advantageously to the Company, as same may be placed elsewhere.

8. All men employed in the erection of said plant, works and equipment either by the Company, or by any contractor or subcontractor or by the Company in the operation thereof, or by any other corporation, firm or person on said property, as aforesaid, shall be paid in cash in the City of Fort William, or by cheque on some bank in the said City.

9. All men employed by the Company or by any contractor or subcontractor or otherwise, in the erection or operation of such plant, works and equipment and any other plant, works and equipment on the property herein described, shall be paid not less than the prevailing wages for either time or piece work from time to time in force in Fort William for their respective trades for the same grade of work therein and all such men shall be paid semi-monthly.

10. The Pay Rolls of the Company as to men employed and wages paid shall be open for inspection by the City from time to time during the terms hereof; said inspection to be made through a duly chartered accountant, employed by the Council, which inspection may be made at reasonable hours; if so required the Company shall from time to time at reasonable periods, during the said term, satisfy the City by declaration or affidavit that they have complied with the provisions hereof.

11. The City will and doth hereby fix the assessment of all the property, real and personal, of the Company in the said City of Fort William (including Business Assessment), which is used in connection with and solely for the purpose of the manufacture of pulp and paper products including raw materials to be used therein and the products thereof, and also the property of any corporation, firm or person occupying any of the Company's Mission property under title from the Company which is used in connection with and solely for the purpose of its manufacturing plant on such part of said property, including raw materials to be used therein and the products thereof, at the sum of \$300,000 for each of the said ten years, commencing with and including the year 1932.

Provided, however, that such fixed assessment shall not apply to or affect taxation for School purposes or local improvements.

Provided, however, that no dwelling houses or stores which may be situate upon the lands included in such fixed assessment nor the land occupied by such dwelling houses or stores when so occupied, shall be included in such fixed assessment.

In the event of the Company's plant ceasing to operate for more than six (6) months in any calendar year for other reasons than the results of fire, accidents, strikes, non-supply of water or power or other happenings beyond the control of the Company, the Company will pay taxes for that year as if there were no fixed Assessment.

Any default of the Company in respect of its other obligations hereunder shall operate to deprive the Company of the benefit of the fixed assessment herein granted, only for the period of the calendar year or years in which such default may occur or continue.

The Assessment of all the Company's above described property in the City, including business assessment, shall remain for each and every year hereafter until and including the year 1931 at the amount at which such assessment now appears on the City's Assessment Rolls.

12. The Company shall not be deemed, however, to be in default hereunder until the expiry of thirty (30) days from the receipt by the Company of a notice in writing by the authorized officers of the City acting under a resolution of the Council of the City of Fort William, setting out the act or omission of the Company complained of and that the City will hold the Company to be in default under this agreement for the reasons mentioned in said notice and unless the Company shall in fact fail, within such thirty (30) days to make good any such act or omission, if the same be in contravention of the terms hereof.

13. The City is to furnish water from its water works system and hydrants on the Mission so as to supply the Company with water for fire protection and domestic purposes at prevailing rates and the City is not to be under any greater liability by reason hereof than it would be to its general consumers of water under *The Public Utilities Act*.

14. The City is to provide adequate Telephone and Street Car facilities and to keep the highway from the Company's plant to the central business section of the City in good repair and especially in the winter season to keep the road open for traffic.

15. Time shall be of the essence of this Agreement.

16. The Council of the City may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may in like manner on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

17. This Agreement will be binding upon and enure to the benefit of the successors and assigns of the Company and the City respectively.

18. This Agreement shall not come into force or effect until approved by the Ratepayers of the City and the City agrees (if the Company so requires), to apply for and seek to obtain special legislation from the Legislative Assembly of the Province of Ontario at its next Session validating and confirming this Agreement and the By-law authorizing same.

19. This Agreement shall relieve the City from the provisions of a Resolution passed by the Council of the City on the Third day of July, 1923, and of all obligations assumed thereby.

In witness whereof the Corporate Seal of the City and the Company and the hands of their respective proper officers in that behalf.

Signed, sealed and delivered in the presence of:

FORT WILLIAM PAPER COMPANY, LIMITED,

(Sgd.) Per W. N. HURLBURT,
President.

(SEAL)

(Sgd.) J. G. GIBSON,
Secretary.

THE CORPORATION OF THE CITY OF FORT WILLIAM.

(Sgd.) Per J. E. CRAWFORD,
Mayor.

(SEAL)

(Sgd.) A. McNAUGHTON,
Clerk.

SCHEDULE "B."

CITY OF FORT WILLIAM

BY-LAW NO. 2665.

A By-law to raise the sum of \$42,000 by way of debentures for the purpose of making a loan to The Young Men's Christian Association of Fort William.

Whereas The Young Men's Christian Association of Fort William has requested the Council to raise the sum of \$42,000 by way of Debentures as hereinafter provided and to loan the same to The Young Men's Christian Association of Fort William on the security hereinafter mentioned.

And whereas the said sum of \$42,000 is the amount of the debt intended to be created hereby.

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is \$29,560,733.00.

And

And whereas the existing Debenture Debt of the said City exclusive of local improvement Debentures, amounts to \$6,350,978.31, made up as follows:

Street Railway Debenture Debt.....	\$1,238,000 00
Waterworks Debenture Debt.....	\$1,543,000 00
Electric Light Debenture Debt.....	\$221,500 00
General Debenture Debt.....	\$1,682,227 81
Telephone Debenture Debt.....	\$360,000 00
School Debenture Debt.....	\$1,306,250 50

of which no part of the principal or interest is in arrear and for the payment of which a Sinking Fund of \$3,884,975.04 has been provided.

And whereas in order to provide for the said debt it is expedient to issue Debentures of the said Corporation to the amount of \$42,000 bearing interest at five per centum per annum.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of thirty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$2,735.00 during the period of thirty years to pay the said yearly sums of principal and interest as they become due.

And whereas it will require the sum of \$2,735.00 to be raised annually for a period of thirty years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid.

Therefore, the Corporation of the City of Fort William enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation the sum of (\$42,000) Forty-two Thousand Dollars, and Debentures shall be issued therefor in sums of not less than \$100 each, bearing interest at the rate of five per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The Debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed, and may bear any date within such two years, and shall be payable in thirty annual instalments during the thirty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

No.	Principal	Interest	Total
1.	\$ 600 00	\$ 2,100 00	\$ 2,700 00
2.	600 00	2,070 00	2,670 00
3.	700 00	2,040 00	2,740 00
4.	800 00	2,005 00	2,805 00
5.	700 00	1,965 00	2,665 00
6.	800 00	1,930 00	2,730 00
7.	900 00	1,890 00	2,790 00
8.	900 00	1,845 00	2,745 00
9.	900 00	1,800 00	2,700 00
10.	1,000 00	1,755 00	2,755 00
11.	1,000 00	1,705 00	2,705 00
12.	1,100 00	1,655 00	2,755 00
13.	1,100 00	1,600 00	2,700 00
14.	1,200 00	1,545 00	2,745 00
15.	1,300 00	1,485 00	2,785 00
16.	1,300 00	1,420 00	2,720 00
17.	1,400 00	1,355 00	2,755 00
18.	1,400 00	1,285 00	2,685 00
19.	1,600 00	1,215 00	2,815 00
20.	1,600 00	1,135 00	2,735 00
21.	1,600 00	1,055 00	2,655 00

No.	Principal	Interest	Total
22.	\$1,800 00	\$975 00	\$2,775 00
23.	1,800 00	885 00	2,685 00
24.	2,000 00	795 00	2,795 00
25.	2,000 00	695 00	2,695 00
26.	2,200 00	595 00	2,795 00
27.	2,200 00	485 00	2,685 00
28.	2,400 00	375 00	2,775 00
29.	2,400 00	255 00	2,655 00
30.	2,700 00	135 00	2,835 00
	<hr/> \$42,000 00	<hr/> \$40,050 00	<hr/> \$82,050 00

3. The Debentures as to both principal and interest may be expressed in Canadian currency or Sterling money of Great Britain.

4. During the said period of thirty years (the currency of the Debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City in addition to all other rates, levies and assessments, the said sum of \$2,735.00 for the payment of the said debt and interest.

5. The said Debentures shall have attached thereto coupons for the payment of the interest thereon. The signature of the Treasurer upon the coupons may be printed, lithographed or engraved, and the said Debentures, as to principal and interest, shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Toronto, Canada; London, England, and New York City, respectively.

6. Every Debenture to be issued hereunder shall contain a provision in the following words: "This Debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William" or to like effect.

7. The City may loan the net proceeds of the said Debentures to The Young Men's Christian Association of Fort William on the security of a first mortgage on the lands and buildings of The Young Men's Christian Association of Fort William for the said sum of \$42,000 with interest at five per centum payable as, how and when the said debt and interest created by this By-law are payable, which mortgage must be in form satisfactory to the then Council of the City before such advance is made.

8. This By-law shall only come into force upon being validated by the Legislative Assembly of the Province of Ontario and unless and until so validated shall have no force or effect.

Done and passed in Council this 25th day of January, A.D. 1927, as witnessed by the hands of the Mayor and Clerk of the said City and its Corporate Seal.

J. E. CRAWFORD,
Mayor.

A. MCNAUGHTON,
Clerk.

(SEAL)

CHAPTER 112.

An Act to consolidate the Floating Debt of the
Town of Georgetown.

Assented to 5th April, 1927.

WHEREAS the municipal corporation of the town of ^{Preamble.} Georgetown has by its petition represented that the rateable property of the said corporation as appears by the last revised assessment roll thereof is \$1,127,477.54, and that the existing debenture debt of the said corporation, exclusive of the local improvement debt, is \$168,090.52, and the amount of the local improvement debt secured by special rate of assessment is \$69,288.12, making a total of \$237,378.64, and that the said corporation has incurred losses through moneys borrowed by it and loaned to certain manufacturing companies, which subsequently became insolvent and unable to repay to the said corporation the amounts advanced to them by way of loans, and through the operation of the housing commission of the said corporation, and that owing to the said losses, the said corporation has a floating indebtedness of \$19,500, and that to pay off the said floating indebtedness now due and owing and to pay in addition thereto the ordinary annual expenditures, would be unduly oppressive on the ratepayers of the said corporation; and whereas the said corporation has by its petition prayed that the said floating indebtedness of \$19,500 may be consolidated and that it may be authorized to borrow by the issue and sale of debentures sufficient to discharge the said floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Town of Georgetown Act*, ^{Short title.} 1927.

2. The floating debt of the corporation of the town of ^{Floating debt con-} Georgetown is consolidated at the sum of \$19,500, and the ^{solidated at} \$19,500. said corporation may borrow by a special issue of debentures a sum not exceeding \$19,500, for the purpose of paying the said floating debt.

Term of
debentures
and interest.

3. The said debentures shall be made payable in not more than ten years from the date of issue thereof, and shall bear interest at a rate not exceeding six per centum per annum, and may be issued either with or without coupons attached thereto for interest, and shall be payable at such place or places as the corporation may deem expedient.

Equal an-
nual instal-
ments of
principal
and interest.

4. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Special rate.

5. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application
of proceeds
of deben-
tures.

6. The debentures and all moneys arising from the sale thereof shall be applied in payment of the said indebtedness and for no other purpose.

Assent of
electors not
required.

1922, c. 72.

7. It shall not be necessary to obtain the assent of the electors of the town of Georgetown to the passing of any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922.*

Irregularity
in form
not to
invalidate.

8. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer
to keep
proper
books of
account.

9. It shall be the duty of the treasurer, for the time being, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and

the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

10. This Act shall come into force on the day upon which ^{Commencement of Act} it receives the Royal Assent.

CHAPTER 113.

An Act respecting the City of Hamilton.

Assented to 5th April, 1927.

Preamble.

WHEREAS the corporation of the city of Hamilton has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The City of Hamilton Act, 1927.*

Power
to borrow
money for
certain pur-
poses with-
out assent
of electors.

2. The council of the corporation of the city of Hamilton may without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws for borrowing the sum of \$195,000 by the issue of debentures, payable within ten years, for the following purposes, namely,—

The widening of York Street, adjoining Dun-	
durn Park.....	\$24,000

For extensions and improvements to and equip-	
ment for the City Hospital of Hamilton... .	153,000

For the amount required to complete the system	
of sewers and pumping station to be con-	
structed pursuant to By-law No. 3093 for	
the issue of debentures for \$423,000.....	18,000

\$195,000

3. The corporation of the city of Hamilton may,—

(a) invest its sinking funds in the purchase of any debentures of the corporation, including any outstanding debentures of the corporation which have been sold, at a price fixed by the council but not

Invest-
ment
and admin-
istration of
sinking
funds.

exceeding

exceeding par value except with the approval of the Ontario Railway and Municipal Board.

- (b) apply any surplus which may arise in the general administration of the city's sinking funds as a whole, after full and adequate provision has been made for the individual sinking fund of all debenture debts, as required by by-laws constituting them towards the redemption before maturity of any city of Hamilton debentures held by the city as an investment in its sinking funds;
- (c) instead of investing separately the annual sinking fund levy, in respect of any particular debenture debt, or the interest arising from the investments in the sinking fund applicable to any such debt, invest from time to time the whole or any part of the sinking fund moneys which may be on hand in such amounts as may be deemed desirable provided that a return shall be made by the city as at the 31st December in each year, showing the exact amount that should be accumulated as a sinking fund for each individual debt, in accordance with the terms of the by-law constituting such debt, and the aggregate of the securities held applicable to the sinking fund as a whole;
- (d) transfer to the sinking fund, from time to time, the unrequired balance of any loan which may have been secured through the issue of debentures to be met by special rates levied on all the rateable property in the municipality, also any other moneys which may from time to time be received by the corporation in the realization of real estate or other permanent assets.

4. This Act shall come into force on the day upon which ^{Commencement of} it receives the Royal Assent. ^{Act.}

CHAPTER 114.

An Act respecting the Village of Humberstone.

Assented to 5th April, 1927.

Preamble.

Rev. Stat.,
c. 218.

WHEREAS the municipal corporation of the village of Humberstone has by a petition represented that a very large area of the village consists of limestone rock, which in some places comes to or near the surface, making the cost of laying watermains and service pipes very much higher than in municipalities where no rock excavation is required; and whereas the waterworks distribution system of the village has been constructed under the local improvement system, pursuant to a certificate of the Provincial Board of Health under section 96 of *The Public Health Act*, the water supply being obtained from the town of Port Colborne adjacent to said village on the south, and that it is desirable to provide for the payment of the cost of watermains thereafter constructed as extensions of the said waterworks system, by assessing and charging the lots abutting thereon, an equal annual special rate of nine cents per foot frontage during a period of thirty years, and by charging the remainder of the cost of such watermains and appliances on the corporation at large, and that if such annual rate of nine cents per foot frontage should produce more than the actual cost of any watermain in respect to which such rate is charged the surplus shall be used by the village of Humberstone for general waterworks purposes; and whereas the corporation of the village of Humberstone has by petition represented that By-law No. 157 intituled: "A by-law to provide for borrowing one hundred and seventy-five thousand six hundred and thirty-six and 69/100 dollars upon debentures to pay for the construction of watermains and appliances," constructed in pursuance of construction By-law No. 145 was passed on the 16th day of August, 1926, and that said by-law was registered on the 17th day of August, 1926, and notice of registration thereof was duly published; and that the municipal council of the corporation of the county of Welland, by By-law No. 1177, passed on the 19th day of June, 1925, agreed to guarantee the debentures of the village of Humberstone to be issued to pay for the construction of said watermains and appliances as authorized by By-law No. 145 of the village of Humberstone, not exceeding the sum of \$178,329; and

whereas

whereas the village of Humberstone has by petition further represented that by an agreement made on the 14th of July, 1925, between the municipal corporation of the town of Port Colborne of the first part and the municipal corporation of the village of Humberstone, of the second part, the town of Port Colborne agrees to supply water to the village of Humberstone, upon the terms and conditions therein stated; and that certain doubts have arisen as to the validity of By-law No. 157 and said agreement and that it is desirable that said by-laws and agreement should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Village of Humberstone* Short title.
Act, 1927.

2.—(1) Notwithstanding anything contained in *The Consolidated Municipal Act, 1922*, *The Local Improvement Act*, or any other Act, it shall be lawful for the corporation of the village of Humberstone, when extending the waterworks system by the construction of watermains as a local improvement work and borrowing money therefor by the issue of debentures, to provide that an annual rate of nine cents per foot frontage be specially assessed upon the lands abutting directly on said watermains for a period of thirty years to pay, and in satisfaction of the owners' portion of the cost of such watermains and the interest thereon.

(2) The remainder of the cost of such watermains shall be borne by the corporation of the village of Humberstone at large, and the said corporation shall in each year during the said period of thirty years impose, levy and raise such sums as may be necessary to meet the corporation's portion of the said cost and interest thereon by a rate sufficient therefor on all the rateable property in the said corporation.

3. If, in respect of any watermain constructed by the said corporation of the village of Humberstone as a local improvement, the said annual rate of nine cents per foot frontage imposed for a period of thirty years against the lands abutting on any such watermain shall produce more than the actual cost of such watermain, the surplus over and above the actual cost shall be used by the town for general waterworks purposes as the council of the village may from time to time direct.

**Assessment
of cost of
water ser-
vice pipes.**

4. The cost of private water service pipes, water connections and other private services to any lot constructed in connection with any such watermain shall be specially assessed by a special rate per foot frontage only upon the particular lot for or in connection with which the same was constructed or effected.

**Application
of Act to
watermains
already
authorized.**

5. The provisions of this Act shall extend to all watermains the construction of which has been heretofore authorized but with respect to which no debentures have heretofore been issued.

**By-law
No. 157 of
Village of
Humber-
stone con-
firmed.**

6. By-law No. 157 of the corporation of the village of Humberstone intituled: "A by-law to provide for borrowing \$175,636.69 upon debentures to pay for the construction of watermains and appliances," passed on the 16th day of August, 1926, and all debentures issued or to be issued thereunder, are hereby confirmed and declared to be legal and binding upon the said corporation and the ratepayers thereof and the rates imposed by and to be levied under said by-law for payment of the debt authorized by the said by-law and the interest thereon are also confirmed and declared to be valid and binding upon the said corporation and the ratepayers thereof.

**By-law
No. 1177 of
County of
Welland
confirmed.**

7. Said By-law No. 1177 of the corporation of the county of Welland, intituled: "A By-law to guarantee certain debentures of the village of Humberstone," passed on the 19th day of June, 1925, is hereby confirmed, validated and declared to be legal and binding upon the said corporation.

**Agreement
with town
of Colborne
confirmed.**

8. The agreement made between the municipal corporation of the town of Port Colborne and the municipal corporation of the village of Humberstone dated the 14th day of July, 1925, and set out as Schedule "A" hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

**Commencement
of
Act.**

9. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

MEMORANDUM OF AGREEMENT.

Made this 14th day of July, in the year of Our Lord one thousand nine hundred and twenty-five.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE TOWN OF PORT COLBORNE,
(hereinafter called the "Town"), of the first part.
—and—

THE MUNICIPAL CORPORATION OF THE VILLAGE OF HUMBERSTONE
(hereinafter called the "Village"), of the second part

1. Whereas the said Village is desirous of purchasing a supply of water from the said Town and the said Town agrees to sell water to the said Village upon the terms and conditions hereunder set out.

2. The said Town agrees to supply water to the said Village. The points of contact between the two municipalities at which water shall be supplied shall be as follows:

At the north limit of Catharine Street in said Town, being at the intersection of Catharine Street and Killaly Street, to which point the Town are, before December first, 1925, to lay a twelve-inch water pipe.

3. The supply shall be metered at such point or points of contact and measured as to quantity of water supplied, and the said Village shall pay for the purchase and installation of such meters, recorders, recorder houses, meter houses and everything connected therewith, but the Town shall maintain such meters in repair at the cost of the Village.

4. Said Village shall, during the winter months, at its own cost, if necessary, continuously heat all recorder houses.

5. Said Village shall pay for such supply of water so metered in accordance with the amount which the meter or meters shall record. Payments to be made as accounts are rendered.

6. Should any meter or meters for any reason fail to record accurately or fail to record at all the consumption is to be paid for by the said Village for such period of failure on the basis of the consumption for the three months preceding such failure or the three months succeeding the time when such meter or meters have been placed in proper and efficient working order, as the Town shall determine.

7. The said Village shall pay to the said Town for supplying water as follows:

For the first year dating from the time the water is turned on, for a minimum of 50,000 Imperial gallons per day at the rate of 10 cts. per 1,000 Imperial gallons.

After the first year for a minimum of 100,000 Imperial gallons per day at the rate of 9 cts. per 1,000 Imperial gallons, when more than 100,000 Imperial gallons per day are supplied the price shall be further reduced to 8½ cts. per 1,000 Imperial gallons for the total amount supplied.

And when the amount supplied exceeds 150,000 Imperial gallons per day price on the total amount supplied shall be still further reduced to 8 cts. per 1,000 Imperial gallons.

8. Water sold by the Village for manufacturing purposes is to be subject to the approval of the Town Council in so far as it affects the capacity of the Town plant.

9. The said Village agrees that all mains, hydrants, services, fittings and appliances shall be of standard size, kind, quality and type.

10. The said Town hereby agrees with the said Village to make repairs to the system of distributing mains of said Village under this agreement at as early a time as practicable after notification.

11. The aforesaid repairs shall be made at the expense of the Village which agrees to make payment of such repairs immediately upon receiving an account from the Town therefor.

12. The Town reserves the right at any time to manipulate the valves or anything connected with the water supply within the Town limits for the use or protection of the Town. If this shall diminish, interrupt or cut off the supply from the said Village the said Town shall not in any way be liable to the said Village on account thereof.

13. This provision shall not be construed as giving the Town the right of discontinuing or diminishing any supply to the Village under this agreement.

14. The said Town undertakes to exercise all due care and diligence in order to effect the intent of this agreement, but shall not be liable for any interruption, lack of continuity or variation of pressure of the water supply from any cause whatever.

15. Upon the annexation of all or any part of the said Village supplied with water under this agreement, the Town shall assume all outstanding debenture indebtedness incurred for the purpose contemplated in this agreement, for that portion of the territory actually annexed, but only for the unexpired term of such debenture, dated from the date of the annexation, adjustment to be made between the parties as of the date of annexation.

16. The rates provided for in this agreement may at any time be changed by mutual agreement or by the Ontario Railway and Municipal Board, as hereinafter provided.

17. If the Village shall at any time fail to carry out the provisions of this agreement, or any of them after receiving twenty days' notice from the Town and fail to carry out the same, it shall forthwith cease to have any rights hereunder.

18. If differences arise at any time between the Town and said Village under this agreement or any matters, relative thereto either party may apply to the Ontario Railway and Municipal Board for settlement of such differences.

19. This agreement shall be validated by legislation at the expense of the Village.

In witness whereof the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed attested by the hands of the proper officers, the day and year first above written.

TOWN OF PORT COLBORNE,

(CORP. SEAL)

(Sgd.) W. STEED, *Mayor.*

(Sgd.) I. H. WHITE, *Clerk.*

VILLAGE OF HUMBERSTONE,

(CORP. SEAL.)

(Sgd.) ARTHUR DICKHOUT, *Reeve.*

(Sgd.) JOHN J. WICHMANN, *Clerk.*

CHAPTER

CHAPTER 115.

An Act respecting the Town of Kapuskasing.

Assented to 5th April, 1927.

WHÈREAS the municipal corporation of the town of Preamble. Kapuskasing has by its petition represented that certain by-laws, the particulars of which are shown in the Schedule hereto annexed marked "A," were duly passed by the council of the said corporation; that certain doubts have arisen as to the validity of the said by-laws; and that it is desirable that the said by-laws and the debentures issued or to be issued thereunder, should be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Town of Kapuskasing* Short title. *Act, 1927.*

2. The by-laws of the municipal corporation of the town of Kapuskasing set out in the schedule hereto marked "A," By-laws specified in Schedule "A" con- and all debentures issued or to be issued thereunder are firmed. hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

3. The debentures authorized by the respective by-laws set out in the schedule hereto marked "A" shall be dated the first day of January, 1927, and shall be payable in annual instalments on the first day of January in each of the years 1928 to 1947, inclusive, and the amounts of principal and interest payable in each of such years under said by-laws shall be as set out in enacting paragraph numbered 2 of each of the said respective by-laws.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

MUNICIPAL CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW No. 104.

A by-law to provide for the borrowing of \$20,000.00 upon debentures to pay for the construction of Sewers and Waterworks.

Whereas by Construction By-Laws numbers 59 and 60 passed on the 4th day of August, 1924, the sewers and watermains mentioned in Schedule "A" have been constructed as local improvements under the provisions of The Local Improvement Act.

And whereas the total cost of the work is \$20,000.00 of which \$6,775.56 is the Corporation's portion of the cost and \$13,224.44 is the owners' portion of the cost for which a Special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty years.

And whereas it is necessary to borrow the said sum of \$20,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of six per cent, per annum, which is the amount of the debt intended to be created by this by-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$1,743.69 during the period of twenty years to pay the said yearly sums of principal and interest as they become due of which \$590.76 is required to pay the Corporation's portion of the cost and the interest thereon, and \$1,152.93 is required to pay the owners' portion of the cost and the interest thereon.

And whereas each of the said works has been approved by the Provincial Board of Health.

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$623,626.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessments) is \$3,000.00 and no part of the principal or interest is in arrear.

Therefore the municipal Council of the Corporation of the Town of Kapuskasing enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Twenty thousand (\$20,000.00) dollars and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of six per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this By-Law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Years

Years to run.	Amount of principal payable	Amount of interest payable	Annual payment.
1.....	\$543 69	\$1,200 00	\$1,743 69
2.....	576 31	1,167 38	1,743 69
3.....	610 89	1,132 80	1,743 69
4.....	647 54	1,096 15	1,743 69
5.....	686 40	1,057 29	1,743 69
6.....	727 59	1,016 10	1,743 69
7.....	771 24	972 45	1,743 69
8.....	817 51	926 18	1,743 69
9.....	866 56	877 13	1,743 69
10.....	918 56	825 13	1,743 69
11.....	973 67	770 02	1,743 69
12.....	1,032 09	711 60	1,743 69
13.....	1,094 01	649 68	1,743 69
14.....	1,159 65	584 04	1,743 69
15.....	1,229 23	514 46	1,743 69
16.....	1,302 99	440 70	1,743 69
17.....	1,381 17	363 52	1,743 69
18.....	1,464 04	279 65	1,743 69
19.....	1,551 87	191 82	1,743 69
20.....	1,644 99	98 70	1,743 69

3. The debentures as to both principal and interest may be expressed in Canadian currency or in Sterling money of Great Britain, at the rate of one pound sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During twenty years, the currency of the debentures, the sum of \$1,743.69 shall be raised annually for the payment of the debt and interest, as follows:

(a) The sum of \$590.76 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the municipality, at the same time and in the same manner as other rates.

(b) For the payment of the owners' portion of the cost and the interest thereon, the special assessment set forth in the said special assessment roll is hereby imposed upon the lands liable therefor as therein set forth: which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$1,152.93 each, and for that purpose an equal annual special rate of 27.9 cents per foot frontage is hereby imposed upon each lot entered in the said special Assessment Roll, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. The amount of the loan authorized by this by-law may be consolidated with the amount of any loans authorized by other local improvement by-laws, by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue, pursuant to the provisions of the statute in that behalf.

8. This by-law shall take effect on the day of the final passing thereof.

Passed this 1st day of November, 1926.

"A. HUSBAND,"
Acting Mayor

"C. SAVILLE,"
Clerk.

THIS IS SCHEDULE "A" REFERRED TO IN THE ANNEXED
BY-LAW

NATURE OF WORK.	LOCATION.
1. 12" Sewer	Along Lang Avenue from centre line O'Brien Avenue to McPherson Avenue.
2. 8" Sewer	Along Henderson Avenue from centre line O'Brien Avenue to opposite Lot 754.
3. 8" Sewer	Along Lane between Henderson Avenue and Lang Avenue from centre line O'Brien Avenue to Centre Line Lane East.
4. 8" Sewer	Along Dallyn Avenue from Manhole No. 20 opposite Lot 508 to opposite Lot 633.
5. 8" Sewer	Along Stewart Avenue, West of Queen Street from opposite Lot 474 to Queen Street.
6. 8" Sewer	Along Stewart Avenue, East of Queen Street from Centre Line Byng Avenue to opposite Lot 512.
7. 4" Watermain	Along Lang Avenue from opposite Lot 745 to centre line O'Brien Avenue.
8. 4" Watermain	Along Henderson Avenue from centre line O'Brien Avenue to opposite Lot 754.
9. 4" Watermain	Along Lane between Henderson Avenue and Lang Avenue from Centre line O'Brien Avenue to centre line Lane East.
10. 4" Watermain	Along Dallyn Avenue from Queen Street to King Street.
11. 4" Watermain	Along Stewart Avenue (West) from Queen Street to King Street.
12. 4' Watermain	Along Stewart Avenue (East) from opposite Lot 512 to centre line Byng Avenue.
13. Connections	for all lots from trunks to lot lines.
14. Installation	of 9 hydrants.

MUNICIPAL CORPORATION OF THE TOWN OF
KAPUSKASING

BY-LAW No. 105.

A by-law to provide for the borrowing of \$7,000.00 upon debentures to pay for the construction of sewers and waterworks.

Whereas by construction by-laws numbers 59 and 60, passed on the 4th day of August, 1924, the sewers and watermains mentioned in Schedule "A" hereunto annexed have been constructed as Local Improvements under the provisions of The Local Improvement Act.

And whereas the total cost of the work is \$7,000.00 of which \$2,961.32 is the Corporation's portion of the cost and \$4,038.68 is the owners' portion of the cost for which a Special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty years.

And whereas it is necessary to borrow the said sum of \$7,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And

And whereas it will be necessary to raise annually the sum of \$610.29 during the period of twenty years to pay the said yearly sums of principal and interest as they become due of which \$258.24 is required to pay the Corporation's portion of the cost and the interest thereon, and \$352.05 is required to pay the owners' portion of the cost and the interest thereon.

And whereas each of the said works has been approved by the Provincial Board of Health.

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$623,626.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessments) is \$3,000.00 and no part of the principal or interest is in arrear;

Therefore the Municipal Council of the Corporation of the Town of Kapuskasing enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of seven thousand (\$7,000.00) dollars and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of six per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Years to Run	Amount of prin- cipal payable	Amount of inter- est pay- able	Annual Pay- ment
1.....	\$190 29	\$420 00	\$610 29
2.....	201 71	408 58	610 29
3.....	213 81	396 48	610 29
4.....	226 64	383 65	610 29
5.....	240 24	370 05	610 29
6.....	254 65	355 64	610 29
7.....	269 93	340 36	610 29
8.....	286 13	324 16	610 29
9.....	303 30	306 99	610 29
10.....	321 49	288 80	610 29
11.....	340 78	269 51	610 29
12.....	361 23	249 06	610 29
13.....	382 90	227 39	610 29
14.....	405 88	204 41	610 29
15.....	430 23	180 06	610 29
16.....	456 05	154 24	610 29
17.....	483 41	126 88	610 29
18.....	512 42	97 87	610 29
19.....	543 16	67 13	610 29
20.....	575 75	34 54	610 29

3. The debentures as to both principal and interest may be expressed in Canadian currency or in Sterling money of Great Britain, at the rate of one pound Sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During twenty years, the currency of the debentures, the sum of \$610.29 shall be raised annually for the payment of the debt and interest, as follows:

(a) The sum of \$258.24 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality, at the same time and in the same manner as other rates.

(b) For the payment of the owners' portion of the cost and the interest thereon, the special assessment set forth in the said Special Assessment Roll is hereby imposed upon the lands liable therefor as therein set forth; which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$352.05 each, and for that purpose an equal annual special rate of 27.9 cents per foot frontage is hereby imposed upon each lot entered in the said special Assessment Roll, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. The amount of the loan authorized by this by-law may be consolidated with the amount of any loans authorized by other local improvement by-laws, by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue pursuant to the provisions of the statute in that behalf.

8. This by-law shall take effect on the day of the final passing thereof.

Passed this 1st day of November, 1926.

"A. HUSBAND,"
Acting Mayor.
"C. SAVILLE,"
Clerk.

THIS IS SCHEDULE "A" REFERRED TO IN THE ANNEXED
BY-LAW

	Nature of Work	Location
1.	12" Sewer	Along McPherson Avenue from centre line Lang Avenue to centre line of Kolb Avenue.
2.	8" Sewer	Along O'Brien Avenue from centre line Lang Avenue to centre line Lane, east between lots 807 and 787.
3.	8" Sewer	Along lane between Government Road and Henderson Avenue from centre line O'Brien Avenue to centre line lane east.
4.	8" Sewer	Across Lot 633 from Dallyn Avenue to Riverside Drive.
5.	4" Watermain	Along O'Brien Avenue from centre line Lang Avenue to centre line Lane between Lots 807 and 787.
6.	4" Watermain	Along Lane between Government Road and Henderson Avenue from centre line O'Brien Avenue to centre line Lane East.

CHAPTER 116.

An Act respecting the Town of Leamington.

Assented to 5th April, 1927.

WHEREAS the corporation of the town of Leamington ^{Preamble} has by its petition represented that the Selkirk drain is a drainage work constructed under the provisions of *The Municipal Drainage Act* and lies wholly within the township of Mersea and the town of Leamington; that by reason of manufacturing operations carried on by the said H. J. Heinz Company and by reason of the sewers in the town of Leamington finding an outlet in the said work it is necessary to repair and improve the outlet of the said drain and carry the waters of the said drain to and into the waters of Lake Erie; that the lands situate within the corporation of the town of Leamington will get a varying benefit from time to time from the said work and that it is equitable that the assessment of the cost and maintenance of that portion of the work which should be borne by the lands within the said corporation of the town of Leamington (save the H. J. Heinz Company) should be assessed directly against the said corporation of the town of Leamington and by the corporation collected from each of the several owners of land rateably in proportion to the assessment as the same appears upon the assessment roll for the said town; that the said H. J. Heinz Company alone will receive benefit over and above all other ratepayers within the said town; and whereas the said corporation has prayed that an Act be passed authorizing it to proceed with the said work under *The Municipal Drainage Act* and to assess the cost thereof as herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Town of Leamington Act*, ^{Short title} 1927.

2. The corporation of the town of Leamington may proceed ^{Improvement of outlet of Selkirk drain.} with the work of improving and repairing the outlet of what is known as the Selkirk drain, a drainage work constructed under

The Municipal Drainage Act, from the present covered portion thereof to a safe and sufficient outlet in lake Erie as may be approved by the Minister of Health.

Application
of Rev. Stat.
c. 198.

3. Save as otherwise provided in this Act, the said work shall be constructed under the provisions of *The Municipal Drainage Act.*

Lands liable
for assess-
ment in
Mersea, etc.

4. The cost of the work and the cost of repairs and maintenance thereof from time to time shall be assessed against owners of lands in the township of Mersea liable therefor and against lands now owned by H. J. Heinz Company in the town of Leamington in the manner provided by the said *The Municipal Drainage Act.*

Assessment
of lands in
Leamington.

5. The cost of the work and the cost of repairs and maintenance thereof properly assessable against owners of lands and buildings in the town of Leamington shall be assessed against the corporation of the town of Leamington, and said corporation may levy the cost thereof against the said lands and buildings in the town of Leamington by a special rate and to be levied upon the assessed value of the lands and buildings in each year for the currency of any debentures issued for the cost of the work or from time to time for repairs and maintenance which may be necessary, and it shall not be necessary to make out a special assessment roll in respect of the assessments to be made as against lands in the town of Leamington.

Appeal
of owner of
land in
Leamington.

6. The owner of any land in the town of Leamington may appeal to the court of revision upon the ground that if this Act had not been passed, the lands of such owner would not have been liable for any assessment in respect of such work, and the court of revision shall have power to determine such question, and such owner shall have the same right of appeal in respect of such decision as he would have had as an appealing owner under the provisions of *The Municipal Drainage Act* and save as in this section and section 7 provided there shall be no further right of appeal by owners of lands and buildings in the town of Leamington.

Appeal in
other cases.

7. The corporation of the township of Mersea and the owners of any lands assessed for a portion of the cost of such work and H. J. Heinz Company shall have the rights of appeal given them by *The Municipal Drainage Act.*

Power
to borrow
without
assent of
electors.

8. The corporation of the town of Leamington may without the assent of the electors borrow upon the debentures of the municipality the amount necessary for its proportion of the work and shall levy upon the lands and buildings in the town of Leamington liable therefor annually during the currency of

the debentures a special rate according to the assessed value thereof sufficient for the payment of the debentures.

9. The corporation of the town of Leamington may pass by-laws regulating the connection of any land, house, building, drain, sewer, cesspool, septic tank or other appurtenances thereto, with any sewer in the town of Leamington, and to prohibit the draining of any obnoxious or offensive matter of any kind into the said sewers, and the municipal council of the town of Leamington shall have full power to determine what is obnoxious or offensive matter; and may pass by-laws requiring any land, house, building, drain, sewer, cesspool, septic tank or other appurtenances thereto already connected with any sewer in the town of Leamington to discontinue such connection or connections and to comply with any regulations made under the provisions of this section.

10. The corporation of the town of Leamington shall procure the approval and consent of the Minister of Health to the plans and specifications for any work to be done in pursuance of this Act or to any by-law or by-laws passed under the powers conferred by section 9 of this Act.

11. The amount borrowed under the provisions of this Act shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of section 297 of *The Consolidated Municipal Act, 1922.*

CHAPTER 117.

An Act respecting the City of London.

Assented to 5th April, 1927.

~~Be it enacted by the Legislative Assembly of the Province of Ontario,~~

WHEREAS the corporation of the city of London has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

~~Short title.~~

1. This Act may be cited as *The City of London Act, 1927*.

~~Power to
over to
less lands
be exed
from town-
ships of
London and
Westminster~~

2. The assessment commissioner of the city of London may, in the year A.D. 1927, notwithstanding the provisions of the orders, bearing date the 19th day of December, A.D. 1912, and the 9th day of April, A.D. 1913, of the Ontario Railway and Municipal Board, annexing portions of the townships of London and Westminster to the city of London, assess the lands and buildings in the said annexed districts, which are not by law exempt from taxation, and such assessment shall be legal, valid and binding, and the council of the corporation of the city of London, for the year A.D. 1928, may adopt the assessment so made and concluded as the assessment for the said districts on which the rate of taxation for the year A.D. 1928 shall be fixed and levied, and the assessment so adopted shall be legal, valid and binding.

~~Power to
erect city
hall.~~

3. The council of the corporation of the city of London may erect upon that part of lot number one on the north side of Dundas street east in the said city of London which was purchased by the said corporation from W. M. Spencer, esquire, a city hall or municipal building.

~~Application
of proceeds
of remaining
debentures
under By-
law No.
4248.~~

4. The council of the corporation of the city of London may apply the proceeds of the remaining debentures which amount to \$125,000, issued under a by-law of the city of London intituled by-law number 4248 to provide for the issue of \$250,000 debentures for the purpose of obtaining such real and personal property as may be deemed expedient by the

corporation

corporation for a city hall, and for erecting upon such real property a city hall, passed on the 13th day of January, A.D. 1913, towards the cost of the erection of the said city hall or municipal building, mentioned in the next preceding section of this Act.

5. The council of the corporation of the city of London may apply the sum of \$25,000, received by the said corporation from the exchange of lands in the said city of London authorized by section 9 of *The City of London Act, 1926*, c. 88, towards the cost of the erection of the said city hall or municipal building mentioned in section 3 of this Act.

6. The council of the corporation of the city of London may apply, from time to time, the moneys which may be received by the said corporation from the sale of those portions of the lands in the said city of London, in the block bounded on the north by Dundas street, on the east by Waterloo street, on the south by King street, and on the west by Wellington street, purchased by the said corporation, save and except that portion thereof purchased by the said corporation from The McCormick Manufacturing Company, Limited, and the moneys which may be received by the said corporation from the sale of those parts of lots numbers nine, ten and eleven on the south side of Fullarton street in the said city of London, according to registered plan number 61, owned by the said corporation, towards the cost of the erection of the said city hall or municipal building mentioned in section 3 of this Act.

7. The council of the corporation of the city of London may, pending the sale of the lands mentioned in the next preceding section, borrow from any person, firm or corporation, a sum of money not exceeding \$80,000, at such rate of interest, and upon such terms and conditions as the council of the said corporation may deem expedient, and may secure the payment of the moneys so borrowed, and the interest thereon, by a mortgage of the said lands, payable, with interest thereon at a rate to be approved by the council of the said corporation, within ten years from the date of the said mortgage, such interest to be payable yearly or half-yearly, and such mortgage may be in the form set out in *The Short Forms of Mortgages Act*, and may contain all or any of the covenants and provisoies set out in column one in schedule "B" in the said Act, and such other covenants, terms and conditions as may be agreed upon between the council of the said corporation and the person, firm or corporation lending the money upon the security of the said mortgage, and the said mortgage shall be legal, valid and binding.

8. Section 8 of *The City of London Act, 1926*, is hereby amended by striking out the words "The London Hotel

Company Limited," in the fourth line thereof, and inserting in lieu thereof the words "London Realty Company Limited," and by striking out the word "hotel" in the tenth and eleventh lines thereof.

Power to erect dam.

9.—(1) Subject to the provisions of subsection 3 the corporation of the city of London may erect and maintain a dam in the river Thames at some place to be selected by the council of the said corporation, opposite the property of the said corporation, situate in the township of Westminster in the county of Middlesex known as Springbank Park and extending from Springbank Park across the said river, to, and upon, the lands in the township of London, in the said county.

Power to borrow \$150,000 to erect dam.

(2) The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$150,000 and may issue debentures therefor for any period not exceeding thirty years from the date thereof, and at such rate of interest not exceeding six per centum per annum as the council of the said corporation may determine, to provide moneys to pay for the cost of the erection of such dam without submitting the by-law to the electors of the city of London for their assent.

(3) Nothing herein contained shall deprive the owner of any land of any rights to compensation which he may have pursuant to *The Consolidated Municipal Act, 1922*.

Power to borrow \$40,000 for Nurses' Home.

10.—(1) The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$40,000, and may issue debentures therefor for any period not exceeding twenty years from the date thereof, and at such rate of interest not exceeding six per cent. per annum as the council of the said corporation may determine, to provide \$25,000 to pay for the lands purchased for the site of the Nurses' Home in the said city of London, and \$15,000 for the balance required to be paid for the completion of the Nurses' Home building in the said city of London, without submitting the by-law to the electors of the city of London for their assent.

Power to borrow \$35,875 for certain purposes.

(2) The corporation of the city of London may pass a by-law to borrow, and may borrow the sum of \$35,875.00, and may issue debentures therefor for any period not exceeding ten years from the date thereof, and at such rate of interest, not exceeding six per cent. per annum as the council of the said corporation may determine, to provide \$20,000 for the equipment of the Nurses' Home in the said city of London, and \$15,875 for certain urgent and necessary alterations and improvements in Victoria Hospital in the said city of London for fire protection, without submitting the by-law to the electors of the city of London for their assent.

11. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Richmond street and Wellington street, if produced northerly, in which a sanitary sewer has been constructed under local improvement by-law number 6864, passed by the council of the said corporation on the 5th day of September, A.D. 1922, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for
sewer.
1927, c. 62.

12. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Wellington street, if produced northerly, and Waterloo street, in which a sanitary sewer has been constructed under local improvement by-law number 6914, passed by the council of the said corporation on the 18th day of December, A.D. 1922, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment, shall be legal, valid and binding.

Power
to assess
certain
lands for
sewer.
1927, c. 62.

13. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street between Richmond street and Wellington street, if produced northerly, in which a sheet asphalt pavement has been constructed under local improvement by-law number 7088, passed by the council of the said corporation on the 7th day of May, A.D. 1923, for one-half of the cost of the construction of the said pavement, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for
pavement.
1927, c. 62.

14. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Wellington street, if produced northerly, and Waterloo street, in which a sheet asphalt pavement has been constructed under local improvement by-law number 7339, passed by the council of the said corporation on the 19th day of May, A.D. 1924, for one-half of the cost of the said pavement, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for
pavement.
1927, c. 62.

15. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Oxford street, between a point one hundred and eighty-eight feet east of Strand street and a

point in Oxford street aforesaid, opposite to the centre of Becher street, in which a sanitary sewer has been constructed under local improvement by-law number 7566, passed by the council of the said corporation on the 2nd day of September, A.D. 1924, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
certain
lands for a
sewer.

1927, c. 62.

16. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Oxford street, from Glasgow street, if produced northerly, to a point one hundred and eighty-eight feet east of Strand street, in which a sanitary sewer has been constructed under local improvement by-law number 7279, passed by the council of the said corporation on the 4th day of February, A.D. 1924, for one-half of the cost of the construction of the said sanitary sewer, and such by-law and assessment shall be legal, valid and binding.

Power
to assess
lands for
curb and
gutter.

1927, c. 62.

17. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, between Richmond street and Wellington street, if produced northerly, in which a curb and gutter have been constructed under local improvement by-law number 6960, passed by the council of the said corporation on the 2nd day of April, A.D. 1923, for the whole cost of the construction of the said curb and gutter, and such by-law and assessment shall be legal, valid and binding.

By-laws
confirmed.

18. The by-laws passed by the council of the corporation of the city of London to provide for the issue of debentures to pay for the local improvement works mentioned in sections 11, 12, 13, 14, 15, 16 and 17 of this Act, and the debentures issued under the authority of the said by-laws are hereby declared to be legal, valid and binding.

Power
to assess
lands for
curb and
gutter.

1927, c. 62.

19. The council of the corporation of the city of London may pass a by-law to assess, and may assess, under the provisions of *The Local Improvement Act*, the lands in the township of London abutting on Huron street, which lies between Waterloo street and Wellington street, if produced northerly, in which a curb and gutter have been constructed by the said corporation as a local improvement, for the whole cost of the construction of the said curb and gutter, and may pass the necessary by-law under the said Act for issuing, and may issue, debentures to pay for the said cost, and such assessment and such debentures shall be legal, valid and binding.

20. The corporation of the city of London may pass a by-law to borrow, and may borrow, the sum of \$500,000, and may issue debentures therefor for any period not exceeding twenty years from the date thereof, and at such rate of interest, not exceeding six per cent. per annum as the council of the said corporation may determine, to provide moneys to pay for the erection, in Queen's Park, in the said city of London, of a new building to be used for exhibition purposes for the Western Fair, and for other purposes, without submitting the by-law to the electors of the said city of London for their assent, and may erect the said new building in Queen's Park aforesaid.

21. The Western Fair Association may grant and convey in fee simple to the corporation of the city of London all the real estate in the said city owned by the said association, or in which the said association is interested, in consideration of the said corporation assuming all liability for the debentures issued by the said association, and the said corporation may, without obtaining the assent of the electors of the city of London, accept a conveyance of the said lands and may assume and agree to pay the liability of the said association for the debentures issued by the said association.

22. The corporation of the city of London may give, from time to time, to the said Western Fair Association, a license to use the lands in the said city of London owned by the said corporation and now used for fair purposes, and the lands to be conveyed by the said association to the said corporation, and any lands which may be purchased or acquired by the said corporation as an addition to the same, together with the buildings and improvements thereon for the purpose of holding thereon the exhibitions of the said association for such period, not exceeding twenty years, and on such terms and conditions as to the council of the said corporation may seem meet.

23. Section 4 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby amended by striking out the word "five," in the third line thereof, and inserting in lieu thereof the word "eight."

24. Section 9 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby amended by striking out the word "five," in the sixth line thereof, and inserting in lieu thereof the word "eight."

25. Section 20 of *An Act to incorporate the Western Fair Association*, passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, and chaptered 89, is hereby repealed.

1922. 72

26. It shall not be necessary for the said corporation to observe, in respect of any of the said by-laws mentioned in sections 9, 10 and 20 of this Act, the formalities prescribed by *The Consolidated Municipal Act, 1922*, in relation to the passing of money by-laws.

Irregularity
not to in-
validate.

27. No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the corporation of the city of London for the recovery of the amount thereof, or any part thereof, or the interest thereon.

Board of
Education
—how
constituted.

28.—(1) Notwithstanding anything contained in *The Boards of Education Act* at the next annual election of the Board of Education for the city of London (hereinafter called the Board), six trustees shall be elected by a general vote of the electors assessed as public school supporters and one trustee shall be appointed by the Separate School Board of the city. The three of the six elected trustees obtaining the highest number of votes at such election shall hold office for two years, and the three remaining trustees shall hold office for one year. Each trustee shall hold office until his successor has been elected or appointed as the case may be.

(a) Upon the organization of the Board after the next annual election of the Board the term of office of all trustees elected or appointed prior to such election shall notwithstanding anything to the contrary in this Act expire.

(2) After such first election, three trustees shall be elected annually by a general vote of the electors assessed as public school supporters, and one trustee shall also be appointed annually to the Board by the Separate School Board of the city. Each trustee shall hold office until his successor has been elected or appointed as the case may be.

(3) The system of election and appointment provided for in subsections 1 and 2 shall remain in force for three years, but the council of the corporation of the city of London may thereafter submit to the electors assessed as public and separate school supporters the following question, namely:

Are you in favour of the continuance of the election of six members to the Board of Education by general vote of the electors assessed as public school supporters of the city and of the appointment of one member to the Board by the Separate School Board of the city? YES.
NO.

and

and if a majority of the persons voting on the said question vote in the negative, then in the year next following that in which the vote is taken the trustees shall be elected in the manner provided for by clause *a* of subsection 1 of section 5 of *The Boards of Education Act*.

29. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of
Act.

CHAPTER 118.

An Act respecting the Township of Nipigon.

*Assented to 5th April, 1927.***Preamble.**

WHEREAS the corporation of the township of Nipigon, in the District of Thunder Bay, has by its petition prayed for special legislation confirming all tax sales held by it prior to the 31st day of December, 1925; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of Nipigon Act, 1927.*

Tax sales and deeds confirmed.

2. All sales of lands within the township of Nipigon, held prior to the 31st day of December, 1925, and which purport to be made by the corporation of the said municipality, or any official or officials thereof, for arrears of taxes in respect to the lands so sold, are validated and confirmed, and all deeds of lands so sold, executed by the reeve and treasurer of the said municipality, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed or purported to be sold and conveyed, and the same are vested in the purchaser or his assigns and his and their heirs and assigns, in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon except taxes accrued since those for non-payment whereof the said lands were sold.

Where municipality becomes purchaser.

3. Section 2 shall extend and apply to cases where the municipality or any one in trust for it or on its behalf became the purchaser of the lands.

Pending litigation not affected.

4. Nothing in this Act contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same

manner

manner and to the same extent as if this Act had not been passed.

5. This Act shall not apply to lands forfeited to the Crown under *The Mining Tax Act.*

Lands
forfeited to
Crown under
Rev. Stat.,
o. 26.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of
Act.

CHAPTER 119.

An Act respecting the City of Ottawa.

Assented to 5th April, 1927.

Preamble.

WHEREAS the corporation of the city of Ottawa has by its petition prayed that it should be enacted as herein-after set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The City of Ottawa Act, 1927.*

Application
of credit
balance
under By-
law No.
5985 to
hospital.

2. The council of the said corporation may use the whole or any part of the balance at the credit of debenture by-law number 5085, for the purpose of purchasing and installing plant or equipment in the Isolation Hospital or for the purpose of improving or altering the same.

Application
of credit
balance
under By-
law No.
5994 to
water
services.
1925, c. 98.

3. The council of the said corporation may use the whole or any part of the balance at the credit of debenture by-law number 5994, passed under the authority of subsection 2 of section 2 of *The City of Ottawa Act, 1925*, to provide for the cost of constructing and extending water mains and water services.

Power to
raise \$10,000
for fire
department;
and \$15,000
for snow-
ploughing
apparatus.

4. The council of the said corporation may provide by by-law for borrowing upon debentures of the corporation payable within ten years from their date of issue, a sum or sums of money not exceeding \$10,000 for the purchase of motor apparatus and equipment for the fire department; and a further sum not exceeding \$15,000 for the purchase of motor-driven snow-ploughing apparatus.

1919, c. 10
s. 1, cl. k,
amended.

5. Clause *k* of section 1 of chapter 102 of the Acts passed in the ninth year of the reign of His Majesty King George V, intituled *An Act respecting the City of Ottawa*, is repealed and the following substituted therefor:

“(k) \$100,000 to provide for the cost of erecting and equipping buildings on By Ward Market.”

6. The council of the said corporation may provide by by-law for borrowing upon debentures a sum not exceeding \$50,000, payable within twenty years from their date, for the purpose of constructing, reconstructing, grading, widening, paving and repaving roads and sidewalks, and for taking up and relaying sewers, catch-basins, and other works of the corporation, upon such streets and parts thereof, in the city of Ottawa as the Ottawa Electric Railway Company may hereafter extend its tracks and railway under agreement with the said corporation and may expend part of the said borrowing in providing for the cost of extending Templeton street westerly from its present terminus to Nicholas street, including the cost of acquiring land for such street extension.

Power
to borrow
\$50,000 for
certain
works re-
quired by
extension
of street
railway.

7.—(1) It shall not be necessary for the council of the said corporation to obtain the assent of the electors, qualified to vote on money by-laws, to the passing of any of the by-laws authorized by sections 4, 5 and 6 of this Act, or to observe in respect thereto the formalities prescribed by *The Consolidated Municipal Act, 1922*, in relation to the passing of money by-laws.

Assent of
electors not
required.

(2) Debentures issued under the provisions of any of the said by-laws shall bear interest at such rate as the council of the said corporation shall, in such by-law determine, and the principal and interest thereof may be made payable in any manner authorized by *The Consolidated Municipal Act, 1922*, 1922-72 and amendments.

Interest on
debentures

(3) No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof, or any part thereof, or interest thereon.

Irregulari-
ties not to in-
validate.

8. Subsection 1 of section 11 of *The City of Ottawa Act, 1925*, c. 98, 1925, is amended by striking out the word "Stratheona" in the second line of clause *c* thereof, and by substituting therefor the word "Pretoria."

9. The council of the said corporation shall raise and pay annually out of its general funds all such sums as shall remain to be raised under by-law number 5781 in order to defray the owners' portion of the cost of the local improvement work for the grading of Centre street from Bronson avenue to a point 600 feet easterly.

Sums unpaid
under By-
law No. 5781
to be paid
out of
gener-
al
funds.

Power to fix
assessment
of proposed
addition
to Chateau
Laurier
Hotel—
assent of
electors not
required.

10. In the event of the Canadian National Railway Company agreeing with the said corporation to construct, and constructing and completing a 200-room addition to the Chateau Laurier Hotel, at an expenditure of not less than \$1,500,000, the council of the said corporation may, by by-law, which shall not require for its validity the assent of the electors qualified to vote on money by-laws, provide that the municipal taxes and rates upon the building and land of such hotel, including such addition, shall for all purposes, other than school, water and local improvement rates, during the year 1928, and the next succeeding fourteen years, be based upon a fixed assessment of \$1,250,000; provided that all parts of such hotel as may from time to time during such term be used for any business purpose not directly connected with the operation of such hotel, shall be subject to assessment and taxation in the same manner as if such fixed assessment had not been granted.

Moneys sub-
scribed by
friends of Dr. Ottawa Civic Hospital Act, the Toronto General Trusts Cor-
Henry P.
Wright to be poration, as trustee of certain moneys subscribed by the
used as
directed by
trustees,
with-
standing,
1919, c. 122.

11. Notwithstanding the provisions of section 12 of *The Ottawa Civic Hospital Act*, the Toronto General Trusts Corporation, as trustee of certain moneys subscribed by the friends of the late Dr. Henry P. Wright, may hold and invest the said moneys and shall disburse the income thereon annually in payment of scholarships or prizes to be awarded to nurses in training at the Ottawa Civic Hospital, as a memorial to the said the late Dr. H. P. Wright, in such form and manner as the trustees of the said hospital may from time to time direct.

Term
of members
of council
extended.

12.—(1) The council of the said corporation may, by by-law, to be passed with the assent of the municipal electors, provide that,—

- (a) all members of the said council, including the mayor and the members of the board of control, thereafter elected shall hold office for a term of two years;
- (b) of the two aldermen elected in each ward at the first election the one receiving the lesser number of votes shall hold office for one year and the other for two years;
- (c) if two aldermen are elected in any ward at such election by an equal number of votes, the council shall, at its first meeting after such election, determine which of such aldermen shall hold office for one year; and
- (d) annually thereafter one alderman shall be elected

One alder-
man to be
elected each
year.

from

from each ward who shall hold office for a period of two years.

(2) All members of such council shall hold office until their successors are elected and the new council is organized.

*Members to
hold office
until new
council
organized*

(3) A person elected to fill a vacancy in the council shall hold office for the residue of the term for which the person whose office he is elected to fill was elected.

*Term
of person
elected to fill
vacancy.*

(4) In all other respects the provisions of *The Consolidated Municipal Act, 1922*,^{c. 72.} and amendments thereto shall apply to and govern the nomination, election and term of office of members of the said council.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

*Commencement of
Act.*

CHAPTER 120.

An Act respecting the City of Ottawa and the Township of Nepean.

Assented to 5th April, 1927.

Preamble

WHEREAS the corporation of the city of Ottawa and the corporation of the township of Nepean have by their petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Cave Creek Drain Act, 1927.*

Agreement confirmed.

2.—(1) The agreement made between the corporation of the city of Ottawa and the corporation of the township of Nepean, set out in schedule "A" to this Act, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporations respectively.

(2) The said corporations may carry out their obligations under the said agreement and may exercise their respective rights thereunder.

Power to borrow money upon debentures without assent of the electors.

3.—(1) For the purpose of procuring the amount necessary to be expended by the corporation of the said city upon the cost of construction of the drain specified in the agreement set out in schedule "A" to this Act, the council of the said corporation may provide by by-law, which shall not require for its validity the assent of the electors qualified to vote on money by-laws, for borrowing, and may borrow, upon debentures of the corporation payable within twenty years from their date of issue and bearing interest at such rate as may be determined by the said council, a sum or sums of money not exceeding \$150,000.

Debentures to be issued under authority authorized by *The Consolidated Municipal Act, 1922.*
3-2.

4. The sums required to be raised annually, to provide for the principal and interest of the debentures, issued as provided by section 3, shall be assessed and levied annually, in part upon the lands within the said city benefited by the construction of the said drain, and in part shall be paid by the corporation of the said city out of its general revenues.

5.—(1) The proportions or parts of the said annual sums to be assessed and levied against lands situate within the said city and benefited by the construction of the said drain, and to be paid by the corporation of the said city, respectively, shall be determined by the Ontario Railway and Municipal Board upon an application made either by or on behalf of such corporation or by any ratepayer thereof.

(2) The Board, upon such application being made shall appoint a time and place for dealing with such matter, of which appointment, notice by publication in a newspaper published in the city of Ottawa shall be sufficient; and upon the return of such appointment the Board shall proceed to hear and determine such matter, and shall order and direct what proportion or part of such annual sums shall be assessed and levied annually against lands within the said city benefited by the construction of the said drain, and what proportion or part thereof shall be paid annually by the said corporation out of its general revenues.

6.—(1) The corporation of the said city, within one year after the making by the Ontario Railway and Municipal Board of an order as provided by section 5, shall employ an engineer or Ontario land surveyor to make a report upon and an assessment of, the lands within the said city benefited by the construction of the said drain, which assessments shall in the aggregate be sufficient to provide annually the sum required to meet the land owners' share, as provided by such order, of the amount to be raised to meet the interest and principal of the debentures issued by the said corporation.

(2) The provisions of section 77 of *The Municipal Drainage Act* shall apply to the said drain and to all proceedings taken in respect thereof, and the said engineer or surveyor shall proceed with the said assessment and report in the manner provided by the said section, except that he shall not make any assessment upon lands or roads situate outside the limits of the said city.

(3) The cost of repairs and maintenance of the portion of the said drain within the said city may be paid in whole or in part by the corporation of the said city out of its general revenues.

Power
to borrow
money upon
debentures
without
assent of
electors.

7.—(1) For the purpose of procuring the amount necessary to be expended by the corporation of the township of Nepean, upon the cost of construction of the drain specified in the agreement set out in schedule "A" to this Act, including the sum of \$17,300 to be paid to the corporation of the city of Ottawa, as provided in the said agreement, the council of the said corporation may provide by by-law, which shall not require for its validity the assent of the electors qualified to vote on money by-laws, for borrowing, and may borrow, upon debentures of the said corporation payable within twenty years from their date of issue and bearing interest at such rate as may be determined by the said council, a sum or sums of money not exceeding \$47,300.

Debentures
to be issued
as authorized
by 1922,
c. 72

Apportion-
ment of
moneys re-
quired for
debentures.

Proportions
to be fixed
by Munici-
pal Coun-
cil or Munici-
pal Board.

(2) The said debentures may be issued in any manner authorized by *The Consolidated Municipal Act, 1922*.

8. The sums required to be raised annually to provide for the principal and interest of the debentures issued as provided by section 7 shall be assessed and levied annually, in part upon the land within the said township benefited by the construction of the said drain, and in part shall be paid by the corporation of the said township out of its general revenues.

Sittings of
Board to
determine
proportions.

9.—(1) The proportions or parts of the said annual sums to be assessed and levied against the lands situate within the said township and benefited by the construction of the said drain, and to be paid by the corporation of the said township respectively, may be determined by the council of the said corporation, by by-law, or by the Ontario Railway and Municipal Board, upon application made therefor, by the council of such corporation.

(2) The Board upon such application being made, shall appoint a time and place for dealing with such matter, of which appointment notice by publication in a newspaper published in the city of Ottawa shall be sufficient; and upon the return of such appointment the Board shall proceed to hear and determine such matter, and shall order and direct what proportion or part of such annual sums shall be assessed and levied annually against lands within the said township of Nepean benefited by the construction of the said drain and what proportion thereof shall be paid annually by the corporation out of its general revenues.

Engineer or
surveyor to
make report.

10.—(1) The corporation of the said township, at any time after passing a by-law as provided by subsection 1 of section 9, or at any time after the making of an order as provided by subsection 2 of the said section, shall employ an

engineer or Ontario land surveyor to make a report upon and an assessment of the lands within the said township benefited by the construction of the said drain, which assessments shall in the aggregate, be sufficient to provide annually the sum required to meet the land owners' share, as provided by such by-law or order, of the amount to be raised to meet the interest and principal on the debentures issued by the said corporation.

(2) The provisions of section 77 of *The Municipal Drainage Act* shall apply to the said drain and to all proceedings taken in respect thereof, and the said engineer or surveyor shall proceed with the said assessment and report in the manner provided by the said section, except that he shall not make any assessment upon lands or roads situate outside the limits of the said township.

(3) The cost of repairs and maintenance of the portion of the said drain within the said township may be paid in whole or in part by the corporation of the said township out of its general revenues.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of
Act.

SCHEDULE "A."

Memorandum of Agreement made in duplicate this 8th day of February, 1927.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF OTTAWA, herein-after called the "City,"

of the One Part,

AND

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF NEPEAN, hereinafter called the "Township,"

of the Other Part.

Witnesseth that the parties hereto agree as follows:

1. A drain for the carrying off of surface water shall be constructed from a point at or near the junction of Huron Avenue and the right-of-way of the Canadian Pacific Railway Company in the City of Ottawa southerly through Victoria and Dalhousie Wards to a point on the westerly limit of the said City about four hundred (400) feet north of Carling Avenue, thence into and through the Township of Nepean following in a general direction the Shillington and Laderoute Award Ditches, to their respective points of commencement.

2. The outlet ditch hitherto constructed by the City from the Northerly limit of the Canadian Pacific Railway Company's right-of-way to the Ottawa River shall be, and shall be deemed to be incorporated in and form an outlet for the said drain.

3. That part of the said drain situate within the limits of the said City shall consist of a covered concrete conduit and having a carrying capacity equal to a rectangular conduit eight feet wide and five feet high flowing full on a grade of one foot in eight hundred feet, all as is designated on the plans, profiles and specifications prepared by W. F. Bryce, Engineer for the City, and approved by the Engineers for the Township.

4. That part of the said drain to be constructed outside the limits of the said City and to the South and West thereof, shall be constructed in such manner and of such dimensions as shall be approved of and determined by the Township.

5. The Township will contribute the sum of Seventeen Thousand, three hundred dollars (\$17,300.00) in full of its share of the cost of construction of that part of the said drain which will be situate within the limits of the City, and the outlet hitherto constructed and paid for by the City, in that part of the Township of Nepean North of the right-of-way of the Canadian Pacific Railway and the City will bear the whole remaining cost thereof.

6. The Township will bear the whole cost of constructing that part of the said drain which is to be constructed in the Township, South and West of the City limits.

7. The Township and the City shall respectively execute all work within their respective limits.

8. The Township shall pay to the City the sum of \$10,000.00, part of its contribution as provided in clause 5 of this Agreement within six months from commencement by the City of actual construction of its portion of said drain, and the balance of the Township's contribution within three months after the completion of the City's portion of the said drain, and the Township shall be bound to undertake that part of the said drain specified in clause 4 only in the event of the City undertaking and completing that part thereof situate within the City and in such event it shall complete the same within three years thereafter.

9. In the event of the City undertaking and completing that part of the said drain situate within its limits, the Township shall be entitled to the free and uninterrupted use of that part of the said drain, and the outlet drain specified in clause 2, including any other parts of said drain which may be hereafter included in the City limits, by reason of the extension of such limits, jointly with the City as an outlet for surface water only draining off and from the lands within the following area, namely: The following parts of Nepean Township:

Lots 34 and 35 Con. A., Ottawa Front, Nepean;

Lots 33 and 32 of Con. 1, O.F., Nepean from the O.E.R. to the Road allowance between Con. 1 and Con. 2 (Carling Ave.);

The southerly 1,000 feet of Lots 31 and 30, Con. 1, O.F. Nepean;

Lots 30 and 29, Con. 2, O.F. Nepean;

Lots I, K, L, M, and N, Con. A, R. F. Nepean;

The westerly 1,200 feet of Lots N.M. and the South half of Lot L, Con. B., R.F. Nepean;

The Westerly 2,000 feet of Lots I, K, and the North half of Lot L, Con. B., R.F. Nepean, but only in so far as any lands in the Township of Nepean might from time to time hereafter be under any easement to permit surface water to flow from said parts of Lots I, K, and the North half of Lot L onto any adjacent lands in the said Township.

10. The City shall maintain and keep in repair at its own expense that portion of the said drain within the limits of the said City as presently constituted or as may hereafter be extended so as to include any further

part or parts of said drain or outlet thereof North of the C.P.R., including proper protection necessary to prevent the blocking of the intake to said covered drain, and the Township shall maintain and keep in repair at its own expense only such parts thereof as shall from time to time hereafter lie within the Township.

11. The Township and the City may respectively charge against such lands and roads situate within their respective municipal limits as will be benefited by the construction of the said drain such proportion or part of the cost thereof as each may be entitled so to charge by any general Act of the Legislature or by any Special Act or Acts which the Township or the City may jointly or severally obtain for such purpose, but no part of the cost of the drain within the Township shall be charged upon lands or roads within the City, and no part of the cost of the drain within the City, except theforesaid sum of Seventeen Thousand Three Hundred Dollars (\$17,300.00) shall be charged upon lands or roads within the Township.

12. The parties hereto shall apply to the Legislature for an Act confirming this Agreement and the same shall not be operative or effective unless the Legislature shall confirm the same.

13. And in consideration of the covenants of the Township herein contained and the aforesaid payment to be made to the City by the Township, the City covenants with the said Township, that the City shall from time to time and at all times hereafter well and truly save, defend and keep harmless and fully indemnify the said Township and the rate-payers thereof, its successors and their heirs, executors, administrators and assigns, and its lands and chattels, of, from and against all loss, costs, charges, damages and expenses which the said Township and the rate-payers thereof, its successors and their heirs, executors, administrators or assigns, or any of them, may at any time or times hereafter bear, sustain, suffer, be at, or put into for or by reason of any action or proceeding hereafter brought or instituted by any party or corporation for damages to lands, tenements and hereditaments within the limits of the City due to default by the City in properly constructing, maintaining and keeping in repair those parts of the said drain located within the City limits as hereinbefore provided.

In witness whereof the parties hereto have hereunto affixed their respective Corporate Seals under the hands of their respective proper officers.

THE CORPORATION OF THE CITY OF OTTAWA.

(Sgd.) JOHN BALHARRIE,
Mayor.

(Sgd.) NORMAN H. H. LETT,
Clerk.

(Seal of the Corporation of
the City of Ottawa.)

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF NEPEAN

(Sgd.) ROBERT GREENE,
Reeve.

(Sgd.) JOHN GAMBLE,
Clerk.

(Seal of the Corporation of
the Township of Nepean.)

CHAPTER 121.

An Act respecting the Town of Palmerston.

Assented to 5th April, 1927.

Preamble.

WHEREAS the corporation of the town of Palmerston has by its petition represented that for some years last past the only hospital in the town has been a private hospital, and that such hospital is likely to be closed, and that it is in the best interests of the said town that there should be hospital accommodation for the citizens thereof, and that it is desirable that the said corporation should purchase from the owner the said hospital and its equipment and either maintain and operate the same as a public hospital, or lease said hospital and equipment, when so purchased by the corporation, to a party or parties for operation by such party or parties as an hospital; and whereas the said town of Palmerston has, by a by-law numbered 617, and duly carried by a majority of the electors voting thereon (152 voting for the by-law and 129 voting against the by-law) on January 3rd, 1927, provided for the issue of debentures to the amount of \$6,500 for the purpose of purchasing the said hospital including the real estate and equipment in connection therewith, the owner of the same having agreed to sell such hospital, real estate and equipment to the said corporation for said sum of \$6,500; and whereas the said corporation has by its petition prayed that an Act may be passed validating and confirming the said by-law No. 617, and authorizing the said corporation to purchase, operate and maintain the said hospital and equipment or to lease it to other parties to operate as an hospital, and that said hospital shall be managed and controlled by a board of trustees to be called the "Palmerston Hospital Commission" and that such powers as may be deemed expedient be granted to the said corporation and to the said commission, and whereas the said corporation has by its petition further prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Town of Palmerston Hospital Act, 1927.* Short title.

2. By-law No. 617 of the corporation of the town of Palmerston, set forth in schedule "A" hereto, and all debentures issued or to be issued thereunder and the rates and assessments to be made and collected for the purpose of meeting the payments to be made in respect of the said debentures as provided for in the said by-law, are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

3. The said corporation may purchase and take over from the owner or owners thereof the hospital building and real estate (lot No. 26 on the northerly side of Main street in the town of Palmerston in the county of Wellington, according to a plan of lot No. 21 in the first concession of the township of Minto, now within the limits of the said town of Palmerston, made for Watson & Fuller by J. G. Kirk, P.L.S., and duly registered) and equipment, free of all encumbrances, for the sum of \$6,500, and may accept and take in its own name all the necessary transfers or conveyances thereof; and the said corporation may enter into and execute all proper conveyances, agreements and other documents in connection with the transfer of said property to it; and the said corporation may operate and maintain said hospital property as a general hospital or lease the same to other parties or party, for operation as an hospital, for such a rental and for such a term or terms and subject to such covenants, agreements and provisions as to the said corporation may seem desirable.

4. The conduct, control and management of the affairs of the said hospital, while operated as a general hospital, shall be vested in and exercised by a board of three trustees to be known as the "Palmerston Hospital Commission" to be appointed by the municipal council of the town of Palmerston, the first trustees to be appointed to serve for the periods of one, two and three years respectively from the 1st day of February in the year in which the appointment is made, and thereafter one trustee to be appointed in each year for a term of three years, to take the place of the trustee whose term shall have expired, but not more than one member of the municipal council of the town of Palmerston shall be eligible for appointment as a hospital trustee. A member of the staff of the said hospital shall not be eligible for appointment as a trustee.

5. In case of the death or resignation of any of the said trustees the vacancy so caused shall be filled by the said

Appointment
trustees.

municipal council, and the said council may at its will dismiss any of such trustees and set aside his or her appointment and elect a new trustee to fill his or her place.

*Power
to dispose
of property.*

6. The said corporation may sell, lease or otherwise alienate, at any time or times, the whole or any part or parts of the property, real and personal, acquired for the purpose of carrying on and operating the said general hospital upon such terms as to the said corporation may seem desirable.

*Power
to borrow
money upon
mortgage.*

7. The corporation may also borrow moneys for use in connection with the improvement of the said hospital, on the security of its hospital property, and execute a mortgage or pledge to the party or parties making the advance as security for the payment thereof.

*Investment
of moneys.*

8. The corporation may invest in such securities as may be deemed advisable all moneys which may at any time come into its possession in connection with the operation of the said hospital, or may deposit the same in any chartered bank or financial institution in good standing.

*Power to
receive con-
tributions.*

9. The said corporation may receive and take from the Government or from any person or body by grant, gift, legacy, devise or otherwise, any land or interest in land, or any goods, chattels, money or effects for the use, support or purposes of the hospital, without a license in mortmain, and all persons and bodies corporate may give, grant, devise and bequeath to the said corporation any land or interest in land, or any goods, chattels, moneys or effects for use in connection with the construction, operation and maintenance of the hospital.

*Power to
make
municipal
by-laws to
contribute.*

10. The councils of the corporations of the counties of Wellington and Perth and of the several municipalities within such counties respectively, from time to time, may contribute a sum or sums of money for the enlargement of the said hospital or towards the equipment or maintenance thereof or of any patients therein, and pass by-laws and resolutions in the exercise of the powers hereby conferred.

*Power
to issue
debentures.
1922, c. 72.*

11. The corporation of the town of Palmerston may, from time to time, by by-law passed with the assent of the electors qualified to vote on money by-laws, in accordance with the provisions of *The Consolidated Municipal Act, 1922*, raise by the issue of debentures such sums as may be necessary for renewing, repairing, improving, enlarging or adding to the hospital property or buildings or the equipment thereof, and such debentures shall bear such rate of interest as the council may determine and shall be payable at any time within twenty years from the date of issue.

12.—(1) The said hospital commission, to be appointed as aforesaid, may conduct and manage the said hospital, and may appoint, and may remove, the hospital staff and all officers and servants whom they may deem proper to engage in connection with the operation and maintenance of the hospital, and may fix all salaries and wages to be paid to the hospital staff, officers and servants, and may regulate their numbers, term of office, privileges and duties and may control, direct and manage, and do all things necessary or usual to be done in the maintenance and operation of a general hospital, and may fix the fees to be charged patients for accommodation or treatment in the said hospital; and the said corporation may provide in the yearly estimates and raise by special rate whatever sums are required, over and above the fees, charges and other moneys received by the commission, to meet the current yearly expenditure in the maintenance and operation of the said hospital, notwithstanding that such rate may increase the aggregate annual rates to be levied and collected in said town beyond the limit fixed by section 297 of *The Consolidated Municipal Act, 1922.*

(2) The hospital commission may from time to time enter into agreements with any municipal corporation in Ontario for the payment by the latter of a fixed annual grant to the commission or a fixed rate per patient per day, for any term of years not exceeding five, for the maintenance and treatment of indigent patients to be admitted from such municipality, and every such municipality is hereby authorized to enter into such agreements with the commission, without obtaining the assent of the electors thereto and to provide and pay such grants or fixed rates.

13. The said hospital commission shall submit to the municipal council of the town of Palmerston a monthly statement of receipts and expenditures as shown by the books of account of the hospital, and in the month of January in each year shall submit to the said council a report showing the receipts and expenditures made by or on behalf of the hospital during the preceding year, and the assets and liabilities of the hospital.

14. The provisions of *The Hospitals and Charitable Institutions Act*, except where inconsistent with the provisions of this Act, shall apply to and govern the said hospital and the hospital commission respectively.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

BY-LAW NO. 617 OF THE TOWN OF PALMERSTON.

A By-law to authorize the Municipality of the Town of Palmerston to issue Debentures to the amount of \$6,500 for the purpose of purchasing the Hospital Building, Real Estate and Equipment situate on the north side of Main Street in the Town of Palmerston and owned by Margaret Magee.

Whereas the Palmerston Hospital, hitherto privately owned and operated, is in danger of being closed, and it is deemed desirable and in the best interests of the Town of Palmerston that the Municipal Council of the Corporation of the Town of Palmerston should purchase from the present owner, Margaret Magee, the said Hospital Building, Real Estate (Lot No. 26 on the northerly side of Main Street in the said Town of Palmerston in the County of Wellington, according to a plan of Lot No. 21 in the First Concession of the Township of Minto, now within the limits of the said Town of Palmerston, made for Watson & Fuller by J. G. Kirk, P.L.S., and duly registered) and Equipment, and operate it as a Public Hospital or lease it to a third party or parties for operation by such parties.

And whereas the purchase price of the said Hospital Building, Real Estate and Equipment, which has been agreed upon between the said Municipal Council of the Corporation of the Town of Palmerston and the said Margaret Magee, is the sum of Six Thousand Five Hundred Dollars.

And whereas it is considered desirable and necessary to borrow the said sum of \$6,500, being the amount of debt intended to be created by this By-law, on the credit of the said Municipality, and to issue the debentures of the said Municipality of the Town of Palmerston for such sum of \$6,500 bearing interest at the rate of five and one-half per cent. per annum, and that such principal sum shall be repayable in yearly sums extending over a period of twenty years from the date of the issue of such debentures and of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years of said twenty years period.

And whereas the amount required to be raised annually during the said period of twenty years upon all the rateable property in the said Municipality to meet said annual payments of principal and interest is the sum of \$543.91, being for principal and for interest in each of the said twenty years the amounts respectively set forth in Columns 2 and 3 of the Schedule hereto marked "A."

And whereas the amount of the whole rateable property of the said Municipality of the Town of Palmerston, according to the last revised assessment roll, being that for the year 1926, is \$717,436.

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Palmerston (exclusive of local improvement debts, secured by special acts, rates or assessments) is \$63,337.48, upon which no sum is in arrear for principal or interest.

Therefore the Municipal Council of the Corporation of the Town of Palmerston enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Six Thousand Five Hundred Dollars (\$6,500) and debentures shall be issued therefor in sums of not less than Fifty Dollars each, bearing interest at the rate of five and one-half per cent. (5½%) per annum, and having coupons attached thereto for the payment of the interest or the interest may be included in the said debentures.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Columns 2 and 3 in Schedule "A" to this By-law which Schedule "A" is hereby declared to be part of this By-law.

3. The said debentures as to both principal and interest may be expressed in Canadian currency or Sterling money of Great Britain at the rate of One Pound Sterling for each Four Dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain or the United States of America.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons attached (if any), and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During the twenty years of the currency of the said debentures, there shall be raised annually by special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality of the Town of Palmerston, the sum of \$543.91, at the same time and in the same manner as other rates, for the purpose of paying the principal and interest accruing due on the said debt in each year of the said period of twenty years.

6. The Debentures may contain any clause providing for the registration thereof, authorized by any Statute relating to Municipal debentures in force at the time of the issue thereof.

7. This By-law shall take effect on the date of the final passing thereof, subject to its being assented to by the duly qualified electors.

Finally passed in open Council this 24th day of January, 1927.

"R. A. TRELEAVEN,"
Mayor.
"SETH MATHERS,"
Clerk.

[SEAL OF TOWN.]

Schedule "A."

Attached to By-law No. 617 of the Town of Palmerston.

Year	Principal	Interest	Total Annual Payment
First.....	\$186 41	\$357 50	\$543 91
Second.....	196 68	347 24	543 91
Third.....	207 48	336 43	543 91
Fourth.....	218 89	325 02	543 91
Fifth.....	230 94	312 97	543 91
Sixth.....	243 64	300 27	543 91
Seventh.....	257 04	286 87	543 91
Eighth.....	271 17	272 74	543 91
Ninth.....	286 09	257 82	543 91
Tenth.....	301 82	242 09	543 91
Eleventh.....	318 42	225 49	543 91
Twelfth.....	335 94	207 97	543 91
Thirteenth.....	354 42	189 49	543 91
Fourteenth.....	373 91	170 00	543 91
Fifteenth.....	394 47	149 44	543 91
Sixteenth.....	416 17	127 74	543 91
Seventeenth.....	439 06	104 85	543 91
Eighteenth.....	463 21	80 70	543 91
Nineteenth.....	488 68	55 23	543 91
Twentieth.....	515 56	28 35	543 91
	<hr/>	<hr/>	<hr/>
	\$6,500 00	\$4,378 20	

CHAPTER

CHAPTER 122.

An Act respecting the City of Port Arthur.

*Assented to 5th April, 1927.***Preamble.**

WHEREAS the municipal corporation of the city of Port Arthur has by its petition represented that it is desirable and in the interests of the corporation to validate and confirm all sales of land purporting to be made for arrears of taxes and costs made prior to the first day of January, A.D. 1926, and all conveyances of such lands made pursuant thereto; and whereas the said corporation has by its petition further represented that it has entered into an agreement in writing bearing date the first day of November, A.D. 1926, with John B. Arnold and Norvill B. Arnold, a copy of which said agreement is hereto attached as schedule "A" for the purpose of selling certain lands and premises in the city of Port Arthur to the said John B. Arnold and Norvill B. Arnold and it is desirable that the said agreement so entered into be validated and confirmed; and whereas the said corporation has further represented that it is desirable to give to the corporation the right to exchange tax sale lands and to give and accept deeds for such lands; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The City of Port Arthur Act, 1927.*

**Tax sales
and deeds
confirmed.**

2.—(1) All sales of land in the city of Port Arthur made prior to the 1st day of January, 1926, and which purport to be made by the corporation of the said city for arrears of taxes and costs in respect of lands so sold are hereby validated and confirmed and all conveyances of land so sold executed by the mayor and treasurer of the said city, purporting to convey the said lands so sold to the purchaser or his assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed, or purported to be

sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

(2) Subsection 1 of this section shall extend and apply to cases where the said city or any person or persons in trust for it, or in its behalf, became the purchaser of lands at any such tax sale.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

3.—(1) The agreement bearing date the first day of November, A.D. 1926, being an agreement entered into between the corporation of the city of Port Arthur and John B. Arnold and Norvill B. Arnold, set out as schedule "A" hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the corporation of the city of Port Arthur and the ratepayers thereof and upon the said John B. Arnold and Norvill B. Arnold, and the council of the said corporation of the city of Port Arthur is authorized to do all acts, matters and things necessary to carry out the terms of the said agreement.

(2) The list of lands referred to in paragraph 1 of the said agreement is the list filed in the office of the clerk of the said corporation and certified under his hand as being such list.

4.—(1) The corporation of the city of Port Arthur may exchange any lands acquired by it at any tax sale, for other lands within the said municipality and may convey such lands to any person and may take and hold such other lands in exchange therefor.

(2) Subsection 1 shall extend to and include any lands which have heretofore been so conveyed or taken by the said corporation in exchange for lands acquired by it at any tax sale.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

MEMORANDUM OF AGREEMENT made this First day of November, 1926.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called "the Corporation" of the first part.

and

JOHN B. ARNOLD AND NORVILL B. ARNOLD both of the City of Duluth in the State of Minnesota, hereinafter called "the Purchasers"

of the second part.

Whereas the Corporation is the owner or about to become the owner of a large number of lots in the City of Port Arthur for non-payment of taxes.

And whereas the Corporation is desirous of selling the said lots, and has agreed to give the purchasers an option to purchase the same, upon the terms hereinafter mentioned:

NOW THE AGREEMENT WITNESSETH AS FOLLOWS:—

1. In consideration of one dollar now paid by the Purchasers to the Corporation (the receipt whereof is hereby acknowledged) the Corporation hereby gives to the Purchasers an option, irrevocable within the time of acceptance herein limited, to purchase, free from all encumbrances, all and singular these certain parcels or tracts of land and premises situate, lying and being in the said City of Port Arthur, and being composed of all the lands purchased by the Corporation at tax sales held prior to the date hereof and still owned by the Corporation, and also all the lands purchased by the Corporation at the tax sale or sales held in the year 1925 and which shall not be redeemed within the time limited by the Assessment Act, a list of all which lands and premises (including the lands purchased by the Corporation at the 1925 tax sale, but some of which may be redeemed) is attached to and made a part of this agreement, and also that part of Reserve A described as follows:

Bounded on the West by Cumberland Street, on the south by Van Norman Street, on the east by North Water Street, and on the north by lot one on the west side of north Water Street.

2. The purchase price for the said lands and premises shall be the sum of \$570,000 payable as follows:—

\$70,000 upon the acceptance of this option which shall be not later than July 2, 1927, and \$50,000 on January 2nd and July 2nd in each of the years 1928, 1929, 1930, 1931 and 1932, with interest at 5% per annum on all unpaid principal, from the date of acceptance of this option, payable with each instalment of principal, and with the privilege to the Purchasers of paying the whole or any part of said principal at any time before maturity, with accrued interest to the date of such payment, but without the payment of any bonus or interest in advance.

3. The said lands shall be exempt from all taxes and local improvement rates and all arrears of taxes and local improvement rates and other charges up to June 30th, 1927, but taxes and local improvement rates shall be payable thereon commencing July 1st, 1927.

4. As a further consideration for this option the Purchasers shall pay to the Corporation the sum of \$500 on the 2nd day of each month, commencing January 2nd, 1927, until the acceptance of this option, such

monthly sums of \$500 to be credited by the Corporation upon the said sum of \$70,000 to be paid upon such acceptance.

5. If at any time prior to the acceptance of this option by the Purchasers, any bona fide residents or ratepayers of Port Arthur, are desirous of acquiring any of the lands hereby agreed to be sold, not exceeding altogether a frontage of 6,600 feet, for the purpose of erecting dwelling houses thereon, one dwelling house at least to be erected on each 66 feet frontage, and in addition any of said lands not exceeding a frontage of 200 feet for the purpose of erecting a business block or blocks thereon, the Corporation shall have the right to sell same at a price not lower than the assessed value of such land for the year 1926, and the purchase money, and interest if any, less any agent's commission, shall be applied upon the said sum of \$70,000 to be paid upon acceptance of this option.

6. If any of the lands hereby agreed to be sold have dwelling houses or other buildings or improvements thereon for which the Corporation is collecting rents, such rents after January 1st, 1927, shall be applied upon the said sum of \$70,000 to be paid upon acceptance of this option, less any portion thereof required for repairs, or insurance, and the Corporation shall keep said buildings insured to their full insurable value, and if the said rents are not sufficient to pay said insurance the Corporation shall notify the Purchasers, and unless the Purchasers agree to pay the deficiency, the Corporation may reduce said insurance to an amount which can be paid for out of said rents. On the acceptance of this option the Corporation shall assign all leases and insurance policies to the Purchasers. In the event of any of the property so insured being destroyed by fire prior to the acceptance of this option, the insurance moneys shall be paid to the Corporation and applied upon the said sum of \$70,000 to be paid upon acceptance of this option.

7. Upon the payment of the said sum of \$70,000 on or before July 2nd, 1927, the Purchasers shall be entitled to receive a conveyance or conveyances from the Corporation for such lots as they may choose out of the lands hereby agreed to be sold to an amount not exceeding \$50,000, the value of such lots for this purpose to be taken as equal to the 1926 assessment thereof. The balance of \$20,000 shall remain in the hands of the Corporation as a general deposit on the purchase price, bearing interest at 5% per annum from the date of payment thereof to the Corporation, and such \$20,000 and interest shall be credited on the last payment of principal payable hereunder if the Purchasers complete the payment of the purchase price as herein provided for, and shall be forfeited to the Corporation if they make default at any time before the full purchase price is paid. Upon the payment of the second and other instalments of said purchase price, the Purchasers shall be entitled in the same way to conveyances of lots to be chosen by them to the amount of Ninety per cent. of each instalment, the value of such lots for this purpose to be taken as equal to the assessment thereof for that year.

8. If the Purchasers pay any moneys on account of said purchase price before maturity thereof, providing they are not then otherwise in default, they shall be entitled forthwith to receive conveyances in the same way for lots chosen by them to the full amount of said payments, the valuation of said lots to be arrived at as in the case of lots chosen upon the payment of the first or other instalments of the purchase price, and such payments shall be applied in reduction of the first instalment of principal, and interest thereon, falling due thereafter.

9. The Purchasers shall, as a further consideration, pay all taxes and local improvements rates from time to time falling due during the currency of this agreement and commencing from July 1, 1927, on the lands and premises hereby agreed to be sold, as and when the same become payable as fixed each year by general by-law. Provided, however, that this shall not apply to lands for which a conveyance is obtained from the Corporation, and which are resold by the purchasers, it being understood that as regards such lands, the Corporation shall look to the owners thereof, and to such lands for payment of taxes and local improvement rates accrued since the last payment of taxes by the Purchasers thereon. The Pur-

chasers, for themselves and their heirs, executors, administrators and assigns, hereby waive all and any objections to the validity of any assessments of said land which may be made by the Corporation during the currency of this agreement, but this shall not include the right to object that the said lands are assessed higher than adjoining lands of the same class and quality if such should be the case.

10. Upon the completion of payment of all purchase moneys and interest and taxes hereunder the Corporation shall convey to the Purchasers all lands hereby agreed to be sold and which shall not have been theretofore conveyed. All conveyances by the Corporation shall transfer the land in fee simple, free from all encumbrances, except taxes imposed from July 1, 1927, but subject to the limitations, provisoos and conditions expressed in the grants from the Crown, the Corporation shall apply at the next session of the Ontario Legislature for an Act validating the 1925 Tax Sale and all tax deeds issued or to be issued thereunder.

11. Neither the signing of this agreement, nor the payment of any taxes or instalment herein provided for, shall bind the purchasers to pay any other instalments or taxes, but they shall always be at liberty to cancel and rescind the contract completed by such signature or payments, or by the acceptance of such option, by forfeiting the payments referred to in paragraphs 4, 5, 6, 7 and 9 hereof, and upon such cancellation they shall not be in any way liable or responsible for any further payments, nor for any damages for failure to carry out this agreement.

12. The Purchasers shall search the title to the said lands at their own expense, and the Corporation shall not be bound to furnish or produce any abstract of title, or any title deeds or evidences of title not in its possession.

13. The Purchasers shall have thirty days from the date of acceptance of this option to examine the said titles, and shall be deemed to have accepted same except as to any written objections made within that time.

14. If any objection be made within that time, the Corporation shall have a reasonable time to remove it, but if the Corporation is unable or unwilling to do so, it may, notwithstanding any intermediate correspondence, cancel this agreement, and return any moneys paid, and shall not be liable to the Purchasers for any expenses incurred by them.

Provided that in case of suit being commenced to set aside the sale held in 1925, for taxes, of the lands or any of them included in the list of lands attached hereto then the lands in question in such suit may be eliminated from the said list and the amount of the taxes for which such lands were sold or acquired shall be deducted from the final instalment of the said purchase price of \$570,000, but at the option of the Purchasers, if such litigation is not successful, the said lands shall be restored to the said list and the full amount of the purchase price restored.

15. The option hereby given shall be open for acceptance up to, but not after the 2nd day of July, 1927, and may be accepted by a letter delivered to the City Clerk, or left for him at his office, or mailed, postage-prepaid and registered, addressed to the Corporation at Port Arthur. Time shall be strictly of the essence hereof.

16. If the purchasers shall make default in the payment of any instalment of money or taxes on the date for payment hereinbefore set out, and such default shall continue for 30 days, this agreement, and all the rights of the Purchasers thereunder (except as regards any conveyances already given) shall immediately thereupon become and be forfeited and void, without any further notice, action or other proceeding on the part of the Corporation, and the said payments referred to in paragraphs 4, 5, 6, 7 and 9 hereof shall be forfeited to the Corporation as and for liquidated damages, and the Corporation shall thereupon be at liberty to re-sell such of the said lands as shall not have been conveyed as aforesaid, free and clear of any right, title or interest on the part of the Purchasers or anyone claiming under them. The production of a statutory declaration made by the City Clerk, showing such default, and continuance thereof, for 30 days,

shall be conclusive evidence of such default, and of the forfeiture of this agreement as against the Purchasers, their heirs, executors, administrators or assigns.

17. The Purchasers shall not register this agreement, or allow it to be registered, but if it shall be registered contrary to this provision, and default is made by the purchasers as above mentioned, and such default shall continue for 30 days, the City Clerk shall have the power, at the request of the Corporation and without any waiver of the forfeiture by default as aforesaid, in the name and on behalf of the Purchasers to release and surrender to the Corporation any right, title or interest of the purchasers in the lands not theretofore conveyed to the Purchasers or their assigns, and the purchasers hereby nominate and appoint the Clerk for the time being of the City of Port Arthur, their agent and attorney for the purpose of signing, sealing, executing and delivering such release and surrender.

18. If required by the Purchasers, the Corporation shall apply at the next session of the Ontario Legislature for an Act validating this agreement, and shall pay the expense of obtaining such Act.

19. This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Corporation has caused its corporate seal to be hereto affixed by the hands of its Mayor and Clerk.

Signed, sealed and delivered in the
presence of

MILTON FRANCIS,
Mayor.

A. J. McCOMBER

T. F. MILNE,
Clerk.

Certified copy,

T. F. MILNE,
Clerk.

By N. B. Arnold his atty. in fact
Norvill B. Arnold.

CHAPTER 123.

An Act respecting the Town of Preston.

*Assented to 5th April, 1927.***Preamble.**

WHEREAS the municipal corporation of the town of Preston has by petition represented that the said corporation has incurred a floating debt, amounting to \$17,845.15, of which the sum of \$8,630.60 was allowed by boards of arbitration, as damages to ratepayers, and law costs in connection with the construction of a permanent pavement on King Street, \$4,044 allowed by the court of revision as a reduction in the amount charged to frontage, and the balance, \$5,170.55, is interest on overdrafts of local improvement account, and discount on debentures sold for local improvements, which has accumulated over a period of years, in addition to the ordinary expenses of the corporation for payment of which no fund has been provided; and that it has incurred a further debt in respect of permanent works, namely the construction of a pavement on the Kress Hill, at a cost of \$9,834.73, and storm drains on Lowther Street, from Moore Street to Vine Street, and on Vine Street from Lowther Street to Frederick Street, on Hespeler Street from Guelph Street along Hespeler Street in a northerly direction, and thence in a southwesterly direction to Klotz's Pond, on Jacob Street, from Fountain Street to Abraham Street, and on Dover Street from King Street to Duke Street, at a cost of \$5,900.57, making a total of \$15,735.30 for payment of which no fund has been provided; and whereas the said corporation has represented that to liquidate the said debts forthwith, in addition to meeting the current annual expenditures would be unduly oppressive on the ratepayers; and whereas the said corporation has by its petition prayed that it may be authorized to borrow money by the issue of debentures, payable in annual instalments to discharge the said debts; and whereas the said town of Preston has passed by-law No. 966, set out in schedule "A" to this Act, to provide for the issue of debentures to the amount of \$2,973.55 to pay for the construction of curb and gutters on both sides of Fountain street (Kress Hill) from King Street, in a northwesterly direction to the limits of the corporation of the town of Preston, and has prayed that the said by-law, and the debentures

tures to be issued and the assessments to be made thereunder and the rates to be levied for payment of the said debentures be validated and confirmed; and whereas the total debenture debt of the said corporation, exclusive of local improvement debts secured by special rates or assessments is \$457,103.81, and no part of the principal or interest is in arrear; and whereas the amount of the whole rateable property of the said town of Preston, according to the last revised assessment roll is \$3,652,465.00; and whereas the said corporation has by its petition further represented that it is desirable and in the interests of the corporation to allow that all sales of land purporting to be made for arrears of taxes, prior to the 1st day of January, A.D. 1926, and all deeds of such lands should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The floating debt of the corporation of the town of Preston is consolidated at the sum of \$33,580.45 and the said corporation may borrow by a special issue of debentures a sum not exceeding \$33,580.45 for the purpose of paying the said floating debt.

2. The said debentures shall be made payable in not more than fifteen years from the date of issue thereof and shall bear interest at a rate not exceeding five and one-half per centum per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

3. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year, shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

4. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

5. The debentures to be issued under the authority of section 1 of this Act and all moneys arising from the sale

Floating
debt con-
solidated at
\$33,580.45.

Term of
debentures.

Equal
annual in-
stalments of
principal and
interest.

Special rate.

Application
of proceeds.

therc of

thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of
electors not
required.

1922, c. 72.

6. It shall not be necessary to obtain the assent of the electors of the town of Preston, to the passing of any by-law which shall be passed under the authority of section 1 of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922.*

Inconsistent
enactments
not to apply.

7. No irregularity in the form of the said debentures or any of them or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation, for the recovery of the said debentures, or interest or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing of debentures, or as to the application of the proceeds thereof.

Treasurer to
keep proper
book of
account.

8. It shall be the duty of the treasurer for the time being of the said town to keep, and it shall be the duty of each of the members from time to time of the council, to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures, which shall be issued under the powers hereby conferred or any of such debentures.

By-law
No. 966,
confirmed.

9. By-law No. 966, of the corporation of the town of Preston, set forth in schedule "A" hereto, and all debentures issued or to be issued thereunder, are confirmed, and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Tax sales
and deeds
confirmed.

10.—(1) All sales of land made prior to the 1st day of January, A.D. 1926, and which purported to have been made by the corporation of the town of Preston, for arrears of taxes in respect of the lands so sold are hereby validated and confirmed, and all deeds of the lands so sold, executed or which

may

may or shall hereafter be executed by the mayor and clerk of the corporation of the town of Preston, purporting to convey the said lands, so sold to the purchaser thereof, or his or her assigns, are hereby validated and confirmed and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his or her assigns, and his or her and their heirs and assigns, in fee simple, free from and clear of and from all right, title and interest whatsoever of the owners thereof, at the time of such sale, or their assigns, and of all charges and encumbrances thereon, and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

(2) This section shall extend and apply to cases where ^{Case of municipality as} the corporation of the town of Preston, or any one in trust ^{purchaser.} for it, or on its behalf became the purchaser or grantee of any of such lands.

(3) Nothing in this section contained shall affect any ^{Pending litigation} action, litigation, or other proceeding now pending, but the not affected, same may be proceeded with and finally adjudicated upon, in the same manner, and to the same extent, as if this Act had not been passed.

11. This Act may be cited as *The Town of Preston Act, 1927.* Short title.

12. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

SCHEDULE "A."

BY-LAW NO. 966.

By-law to provide for borrowing \$2,973.55 upon debentures to pay for the construction of a six-inch curb and a thirty-inch gutter on both sides of Fountain Street (Kress Hill) from King Street, in a northwesterly direction to the limits of the Corporation of the Town of Preston.

Whereas pursuant to Construction By-law No. 864, passed on the 4th day of September, A.D. 1923, a six-inch curb and a thirty-inch gutter has been constructed on both sides of Fountain Street (Kress Hill) from King Street, in a northwesterly direction to the limits of the Corporation of the Town of Preston, as a local improvement under the provisions of *The Local Improvement Act.*

And whereas the total cost of the work is \$2,973.55, of which \$532.28 is the Corporation's portion of the cost, and \$2,441.27 is the owner's portion of the cost, for which a Special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is fifteen (15) years,

And

And whereas it is necessary to borrow the said sum of \$2,973.55, on the credit of the Corporation, and to issue debentures therefor bearing interest at the rate of five and one-half per cent. per annum ($5\frac{1}{2}\%$) which is the amount of the debt intended to be created by this By-law.

And whereas, it is expedient to make the principal of the said debt repayable in yearly sums during the period of 15 years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas, it will be necessary to raise annually the sum of \$296.24, during the period of 15 years to pay the said yearly sums of principal and interest as they become due, of which \$53.03 is required to pay the Corporation's portion of the cost and the interest thereon, and \$243.21 is required to pay the owner's portion of the cost and the interest thereto.

And whereas the amount of the whole rateable property of the Municipality, according to the last Revised Assessment Roll is \$3,652,465.00.

And whereas, the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessments) is \$457,103.81, and no part of the principal or interest is in arrear.

Therefore, the Municipal Council of the Corporation of the Town of Preston enacts as follows:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Two thousand nine hundred and seventy-three dollars and fifty-five cents (\$2,973.55) and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of $5\frac{1}{2}$ per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed; and may bear any date within such two years, and shall be payable in fifteen annual instalments during the fifteen years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Principal	Interest	Annual Payment
1.....	\$132 70	\$163 54	\$296 24
2.....	140 00	156 24	296 24
3.....	147 70	148 54	296 24
4.....	155 81	140 43	296 24
5.....	164 39	131 85	296 24
6.....	173 43	122 81	296 24
7.....	182 96	113 28	296 24
8.....	193 03	103 21	296 24
9.....	203 65	92 59	296 24
10.....	214 85	81 39	296 24
11.....	226 66	69 58	296 24
12.....	239 13	57 11	296 24
13.....	252 28	43 96	296 24
14.....	266 16	30 08	296 24
15.....	280 80	15 44	296 24
	\$2,973 55	\$1,470 05	\$4,443 60

3. The debentures as to both principal and interest may be expressed in Canadian currency or in sterling money of Great Britain, at the rate of One Pound Sterling, for each four dollars and eighty-six and two-third cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation. The coupons attached to the debentures shall be signed by the Treasurer, and his signature to them may be written, stamped, lithographed or engraved.

5. During fifteen years the currency of the debentures, the sum of \$296.24, shall be raised annually for the payment of the debt and interest, as follows:—

The sum of \$53.03 shall be raised annually for the payment of the Corporation's portion of the cost and interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality, at the same time and in the same manner as other rates.

For the payment of the owners' portion of the cost and the interest thereon, the special assessment set forth in the said special Assessment Roll is hereby imposed upon the lands liable therefor as therein set forth; which said special assessment with a sum sufficient to cover interest thereon at the rate aforesaid, shall be payable in 15 equal annual instalments of \$243.21 each, and for that purpose an equal annual special rate of \$0.169746 per foot frontage is hereby imposed upon each lot entered in the said special Assessment Roll, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. The amount of the loan authorized by this By-law may be consolidated with the amount of any loans authorized by other local improvement By-laws, by including the same with such other loans in a consolidating by-law, authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue, pursuant to the provisions of the statute in that behalf.

8. This By-law shall take effect on the day of the final passing thereof.

Passed this 11th day of February, A.D. 1927.

"J. M. GILLIES," *Mayor.*

"GEO. WURSTER," *Clerk.*

CHAPTER 124.

An Act respecting the Town of Sandwich.

Assented to 5th April, 1927.

Preamble.

WHEREAS the municipal corporation of the town of Sandwich has by its petition represented that it has incurred a floating debt of \$47,707.65 which has arisen by reason of insufficient levies to provide for unforeseen expenditures and to pay off at once the said indebtedness now due and owing would be unduly burdensome to the ratepayers of the town, and the said corporation has prayed that the said debts may be consolidated and that it may be authorized to pass a by-law for the purpose of borrowing money by the issue of debentures of the said town to pay off the said floating indebtedness; and that it is just that in ascertaining the share of the cost to be paid by the corporation at large under *The Local Improvement Act* of the Huron line watermain the said corporation do make an allowance to certain owners whose lands abutt on the said watermain of their future payments upon the old main constructed under the provisions of *The Local Improvement Act* and that the corporation at large should bear a share of the increased size of the said watermain necessary for the purpose of establishing a more equal pressure of the water through the town and that the by-law passed by the corporation for the said purpose be validated; and that it is just that in ascertaining the share of the cost to be paid by the corporation at large under *The Local Improvement Act* of the Herbert street sewer the said corporation do make an allowance to certain owners whose lands abutt on or are charged with assessments under *The Local Improvement Act* for certain old sewers and that the corporation should bear a certain further share of the capital cost of the Herbert street sewer and that the by-law passed by the corporation for the said purpose be validated; and that the by-law of the said corporation authorizing the payment by the corporation at large of a share of the widening of Sandwich street easterly from Detroit street be validated; and whereas the said corporation has prayed that an Act may be passed for the said purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Town of Sandwich Act*, short title, 1927.

2. The floating debt of the corporation of the town of Sandwich is hereby consolidated at the sum of \$47,707.65 and the said corporation may borrow by a special issue of debentures a sum not exceeding \$47,707.65 for the purpose of paying the said floating debt.

3. The said debentures shall be in sums of not less than \$100 each and shall be made payable in not more than ten years from the date of issue thereof and shall bear interest at a rate not exceeding five and one-half per centum per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

4. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

5. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

6. The debentures to be issued under the authority of section 2 of this Act and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

7. It shall not be necessary to obtain the assent of electors of the town of Sandwich to the passing of any by-law which shall be passed under the authority of section 2 of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

8. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to
keep proper
books of
account.

9. It shall be the duty of the treasurer, for the time being, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the council to procure such treasurer to keep and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

By-law
No. 1585 to
construct
Huron Line
watermain,
confirmed.
1927, c. 62.

10. By-law No. 1585 of the corporation of the town of Sandwich passed on or about the 21st day of March, 1927, authorizing the construction of the Huron line watermain under *The Local Improvement Act* and the payment by the corporation at large of certain parts of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the cost of the work and issue debentures for the sums so borrowed.

By-law
No. 1586
to widen
Sandwich
Street,
confirmed.
1927, c. 62.

11. By-law No. 1586 of the corporation of the town of Sandwich passed on or about the 21st day of March, 1927, authorizing the construction of the Sandwich street widening under *The Local Improvement Act* and the payment by the corporation at large of certain parts of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the cost of the work and issue debentures for the sums so borrowed.

By-law
No. 1587 to
construct
Herbert
Street sewer,
confirmed.
1927, c. 62.

12. By-law No. 1587 of the corporation of the town of Sandwich passed on or about the 21st day of March, 1927, authorizing the construction of the Herbert street sewer as two separate works under *The Local Improvement Act* and the payment by the corporation at large of certain portions of the cost thereof is hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the

council of the said corporation may proceed under the provisions of said Act to have special assessments made accordingly and borrow the sums necessary to defray the costs of the said works and issue debentures for the sums so borrowed.

13. The agreement between the corporation of the town of Sandwich and the corporation of the township of Sandwich West dated the 15th day of February, 1927, providing for the increase in the size of the said Herbert Street sewer outlet to allow of the draining into it of certain lands in the said township, and set out as schedule "A" hereto is confirmed and declared to be legal, valid and binding on the said corporations and the ratepayers thereof.

Agreement confirmed.

SCHEDULE "A"

Agreement made this 15th day of February, in the year of our Lord one thousand nine hundred and twenty-seven.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF SANDWICH WEST,
hereinafter called the "Township,"

of the First Part;

AND

THE CORPORATION OF THE TOWN OF SANDWICH, hereinafter called the "Town,"

of the Second Part.

Whereas the Corporation of the Town of Sandwich has proposed to construct a sewer known as the Herbert Street Sewer with an outlet into the Detroit River at Brock Street for the purpose of serving the lands in the Town of Sandwich between the Prince Road and the Easterly Limits of the Town South of the Essex Terminal Railway.

And whereas the Township of Sandwich West has requested that the outlet of the said sewer be enlarged and that a main sewer be extended along Felix Avenue from the said outlet sewer along Felix Avenue and along Tecumseh Road to the Huron Church Line for the purpose of draining an area not greater than 350 acres nor less than 160 acres of that portion of the Township of Sandwich West situate at the intersection of the Tecumseh Road and the Huron Church Line and being bounded on the North and West sides by the present limits of the Town of Sandwich.

And whereas the Corporation of the Town of Sandwich is willing to co-operate so far as it may be able for the said purpose.

And whereas the proposed outlet sewer would be constructed of an increased size from the River Detroit along Brock Street as far as Wright Place and along Wright Place and Herbert Street to the intersection of Felix Avenue.

And whereas it would be necessary to construct a main sewer along Felix Avenue from the intersection of Felix Avenue and Herbert Street southerly and along the Tecumseh Road or Dorchester Road to its intersection with the Huron Church Line in the Town of Sandwich before the sewers in the proposed area in Sandwich West could drain.

And whereas the proposed acreage in the Town of Sandwich benefited by the said sewer is about 610 acres and the proposed acreage to be drained

in

in the Township of Sandwich West is about 250 acres, and the non-abutting area in the Town of Sandwich benefited by the said Felix Avenue extension is about 80 acres.

Therefore the parties hereto agree as follows:

1. The Town upon the request in writing by the Township or its Engineer made before the 1st day of July, 1927, stating the number of acres it desires to be provided for agrees to construct the said outlet sewer sufficiently large to carry the drainage from the said additional area in the said Township, the sewer to be of the same character as approved by the Provincial Board of Health for the present proposed Herbert Street sewer.
2. The Township agrees to pay to the Town one-sixth (1/6) of the cost of street intersections charged to the Town in the construction of the said outlet sewer, also that proportion of the share of the Town at large of the said outlet sewer which the stated acreage benefited in the Township bears to the total acreage benefited in both municipalities ascertained as above and also that proportion of the balance of the cost (being that part chargeable on non-abutting frontage) after deducting therefrom the amount chargeable on the abutting frontage in the Town which the said stated acreage in the Township bears to the said total acreage benefited.
3. The Township hereby assumes the entire responsibility of assessing upon the said acreage benefited in the Township such part of the said cost of the outlet sewer as it may see fit or may be agreed upon with the owners or as the law may allow.
4. The Town further agrees upon the request in writing of the Township or its engineer before the First day of July, 1926, to construct a main sewer on Felix Avenue and the Tecumseh Road or Dorchester Road as set out above of sufficient size to carry the drainage from the said benefited acreage in the Township as well as any drainage there may be from areas within the Town and to allow the connection thereto of the sewers from the benefited acreage.
5. The Township agrees to pay to the Town the following shares of the cost of the said Felix Avenue extension—that proportion of the cost of the street intersections and of the share of the Town at large which the stated acreage benefited in the Township bears to the total acreage benefited by the said extension in both municipalities ascertained as above and three-fifths of the balance of the cost (being the amount chargeable on the non-abutting frontage) after deducting the amount chargeable upon the abutting lands in the Town of Sandwich.
6. The Township hereby assumes the entire responsibility of assessing upon the said acreage benefited in the Township such part of the said cost of the Felix Avenue extension as it may see fit or may be agreed upon with the owners or as the law may allow.
7. The Engineer of the Town shall with the assistance of the engineer of the Township have the power to determine the actual cost of the works, the amounts chargeable against the abutting lands, the distribution of the costs, the amounts properly chargeable against the non-abutting lands and all other questions arising under this agreement except where already determined by this agreement itself.
8. The Township agrees to assist the Town in obtaining such Legislation as may be necessary for validating this agreement and for raising the sums for which they are liable by debentures and in case either of the said works has been constructed and the said Township does not apply for such authority or validation as may be necessary it hereby authorizes the Town to make such application at its expense and agrees to assist in the same so that the Town may be reimbursed all moneys it has expended or been obligated for and the costs of the application.
9. The Town shall have the right to require a company guarantee bond from the Township for the amount of its liability in respect of the

work before it commences the construction of either or both of the said works and in case the same shall not be provided, to cancel this agreement.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered in the presence of:

ANTHONY A. MARENTITHE,
Reeve of Sandwich West.

HARRY BARDY,
(Seal of Township of Sandwich West.) *Clerk.*

ALEX. MCKEE,
Mayor.

E. R. NORTH,
(Seal of Town of Sandwich.) *Clerk.*

CHAPTER 125.

An Act respecting the Township of Sandwich West.

Assented to 5th April, 1927.

Preamble.

WHEREAS the municipal corporation of the township of Sandwich West has by its petition represented that certain by-laws, the particulars of which are shown in the schedule hereto annexed marked "A," were duly passed by the council of the said corporation; that certain doubts have arisen as to the validity of the said by-laws; and that it is desirable that the said by-laws and the debentures issued or to be issued thereunder should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. This Act may be cited as *The Township of Sandwich West Act, 1927.*

2. The by-laws of the municipal corporation of the township of Sandwich West, the particulars of which are shown in the schedule hereto annexed marked "A," and all debentures issued or to be issued thereunder are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

By-laws confirmed.

SCHEDULE "A."

(a) By-law Number 671 passed on the 10th day of December, 1926, authorizing the issue of debentures to the amount of \$89,289.62 for storm sewers constructed as local improvements.

(b) By-law Number 672 passed on the 10th day of December, 1926, authorizing the issue of debentures to the amount of \$35,532.80 for watermains constructed as local improvements.

CHAPTER 126.

An Act respecting the City of Sarnia.

Assented to 5th April, 1927.

WHEREAS the corporation of the city of Sarnia has by Preamble, its petition represented that by-laws numbers 1672 and 1673 have been submitted to the electors of the corporation duly qualified to vote thereon for their assent in accordance with the terms of *The Consolidated Municipal Act, 1922*; and that of the electors who voted on the said by-law number 1672, 2,007 voted in favour thereof and 463 voted against the said by-law; and whereas of the electors who voted on the said by-law number 1673, 1,983 voted in favour thereof and 498 voted against the said by-law; and that the said by-laws were subsequently passed by the affirmative vote of three-fourths of all the members of the council of the said corporation; and whereas the corporation has by its petition prayed that the said by-laws should be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The City of Sarnia Act, 1927.* Short title.
2. By-law number 1672 of the corporation of the city of Sarnia and the agreement in connection therewith both of which are set forth in schedule "1" hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and upon the Sarnia Elevator Co., Limited, and the MacDonald Engineering Co., of Canada, Limited.
3. By-law number 1673 of the corporation of the city of Sarnia which is set out in schedule "2" hereto, is hereby declared to be legal, valid and binding upon the said corporation of the city of Sarnia and The Sarnia Elevator Co., Limited.

Con-
firmation of
debentures.

4. The debentures issued or to be issued under the provisions of the said by-law number 1672 are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the said corporation is hereby authorized and empowered to do all acts and things necessary for the fulfilment and proper carrying out of the said by-law and agreement.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "1."

BY-LAW NO. 1672.

A By-law to provide for the borrowing of \$400,000.00 upon Debentures to pay for the erection and equipment of a grain elevator, and all other costs and expenses in connection therewith and incidental thereto, and to confirm a certain Agreement made between the Municipal Corporation of the City of Sarnia, the MacDonald Engineering Company, Limited, and Sarnia Elevator Co., Limited.

Whereas it is desirable and expedient to erect a grain elevator in the City of Sarnia as provided by the Consolidated Municipal Act, 1922, Ontario Statutes, Chapter 72, Section 398, Paragraph 24, as amended by 1924 Ontario Statutes, Chapter 53, Section 8.

And whereas it is desirable and expedient to confirm a certain Agreement dated the Thirty-first day of January, A.D. 1927, between the Municipal Corporation of the City of Sarnia, The Sarnia Elevator Co., Limited, and the MacDonald Engineering Company of Canada, Limited, for the sale of the said grain elevator in accordance with the terms of the said Agreement, which agreement is hereunto annexed as Schedule "A."

And whereas the Municipal Council of the City of Sarnia, has approved of the said Agreement.

And whereas for the said purposes, it is necessary to borrow the sum of \$400,000.00 on the credit of the Corporation and to issue debentures payable within twenty years from the time of the issue thereof, and bearing interest at the rate of five per cent. per annum, payable yearly which is the amount of the debt intended to be created by this By-law; the proceeds of the debentures to be applied to the said purposes and to no other.

And whereas \$32,097.03 is the total amount required to be raised annually for a special rate for the term of twenty years for the payment of the said debt and interest thereon at the rate of five per cent. per annum, according to the terms of this By-law.

And whereas it is expedient that the principal of said debt shall be repayable in yearly sums during the period of twenty years on such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as possible to the amount so payable for principal and interest in each of the other years.

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$17,060,921.00.

And

And whereas the amount of the existing debenture debt of the Corporation (exclusive of Local Improvement Debts) secured by Special Rates of Assessments, is the sum of \$1,442,376.64 and no part of the principal or interest is in arrear.

And whereas it is expedient to authorize, ratify and confirm the said Agreement hereinbefore recited.

Therefore the Municipal Council of the City of Sarnia, enacts as follows:

1. That for the purpose aforesaid, it shall be lawful for the Municipal Council of the City of Sarnia to borrow on the credit of the Corporation at large, the sum of \$400,000.00 and debentures shall be issued therefor in sums of not less than One hundred dollars each, bearing interest at the rate of five per cent. per annum, computed from the date of the issue, and have coupons attached for the payment of interest.

2. That the debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed and may bear any date within such two years and shall be payable in twenty annual instalments, during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Year	Principal	Interest	Total
1.	\$12,097 03	\$20,000 00	\$32,097 03
2.	12,701 89	19,395 14	32,097 03
3.	13,336 98	18,760 05	32,097 03
4.	14,003 83	18,093 20	32,097 03
5.	14,704 02	17,393 01	32,097 03
6.	15,439 22	16,657 81	32,097 03
7.	16,211 18	15,885 85	32,097 03
8.	17,021 74	15,075 29	32,097 03
9.	17,872 83	14,224 20	32,097 03
10.	18,766 47	13,330 56	32,097 03
11.	19,704 80	12,392 23	32,097 03
12.	20,690 03	11,407 00	32,097 03
13.	21,724 54	10,372 49	32,097 03
14.	22,810 76	9,286 27	32,097 03
15.	23,951 30	8,145 73	32,097 03
16.	25,148 87	6,948 16	32,097 03
17.	26,406 32	5,690 71	32,097 03
18.	27,726 62	4,370 41	32,097 03
19.	29,112 96	2,984 07	32,097 03
20.	30,568 61	1,528 42	32,097 03
	\$400,000 00	\$241,940 60	\$641,940 60

3. The debentures as to both principal and interest may be expressed in Canadian Currency or Sterling money of Great Britain at the rate of One Pound Sterling for each Four Dollars and eighty-six and two-third cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor and Treasurer of the Corporation shall sign and issue the debentures and the Treasurer shall sign the interest coupons and the debentures shall be sealed with the seal of the Corporation, and the Treasurer's signature may be printed, stamped, lithographed or engraved upon the said coupons.

5. During the twenty years, the currency of the said debt and debentures, there shall be raised, assessed and levied yearly by special rate, sufficient therefor, on all the rateable property in the Municipality, a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debentures as the same become respectively payable according to the provisions of this By-law.

6. All moneys raised from the said special rates or from the commutation thereof not immediately required for the payment of the interest shall be invested as required by law.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal Debentures in force at the time of issue thereof.

8. The Execution of the said Agreement on behalf of the Corporation of the City of Sarnia is hereby authorized, ratified and confirmed and the said agreement is hereby incorporated in this By-law and shall be read and confirmed as part thereof.

This By-law shall come into force and take effect immediately upon the final passing thereof.

Provisionally passed this First day of February, A.D. 1927.

Finally passed this 7th day of March, A.D. 1927.

(*Sgd.*) James E. Newton, (Mayor).

(*Sgd.*) A. G. Smith, (*Acting Clerk*).

SCHEDULE "A"

Memorandum of agreement made this 31st day of January, A.D. 1927.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF SARNIA, herein-after called the "Corporation"

of the First Part,

AND

THE SARNIA ELEVATOR CO., LIMITED, hereinafter called the "Company"

of the Second Part,

AND

MACDONALD ENGINEERING COMPANY OF CANADA, LIMITED, herein-after called the "Contractor"

of the Third Part.

Whereas to facilitate the transportation of grain from the West to the Atlantic Seaboard by way of the Great Lakes and for local trade, facilities for the transhipment and temporary storage of grain are required at the Port of Sarnia;

And whereas the Corporation is authorized under the provisions of Paragraph 24 of Section 398 of the Consolidated Municipal Act, 1922, as amended by Section 8 of Chapter 53 Statutes of Ontario, 14, Geo. V, to erect, maintain and operate grain elevators for discharging or loading vessels;

And whereas the said Corporation in order to provide said facilities at the Port of Sarnia, is willing to construct a grain elevator;

And whereas the Company agrees to purchase the said elevator from the said Corporation upon the completion thereof, in accordance with the plans and specifications for the said elevator to be submitted by the Contractor and approved of by the Committee as hereinafter referred to, and thereafter to operate it to the greatest possibility of the grain trade and maintain the same on the terms and conditions hereinafter set forth;

And whereas the Contractor has agreed to design and erect the elevator and to construct the dockage and trackage for the said Corporation in accordance with the plans, specifications and contract, which are herein-after referred to.

Now this indenture witnesseth that in consideration of the premises and the stipulations and covenants herein on the part of the parties

severally

severally contained, the said parties hereby covenant, promise and agree each with the other of them as follows:

1. The Contractor hereby agrees to design for the Corporation, a grain elevator of modern design and substantial concrete construction, with a storage capacity of not less than one million bushels of grain, and to construct and erect the same in accordance with a contract and with general plans and specifications contained therein, all to be approved and accepted by the Committee referred to in the next succeeding paragraph on a portion of the property hereinafter agreed to be conveyed to the City and as shown upon the plan hereto annexed. It is agreed that the price fixed in the said Contract shall cover the total cost of design, construction and erection, dockage and trackage and all other expenditures necessary to fully complete the said elevator ready and equipped in every way to operate to its full capacity.

2. The general and detailed plans and specifications of the said elevator shall be prepared by the Contractor and shall be submitted for approval to a committee of five persons, two of whom shall be members of the Corporation appointed by the Council of the Corporation and two by the Company, with power to substitute from time to time, and a fifth member, who shall be the City Engineer of the said Corporation. Upon the approval of the general and detailed plans and specifications and of the price of construction and erection of the said elevator, together with its dockage and trackage, and all other necessary appurtenances and of a contract between the Contractor and the Corporation embodying said plans, specifications, dockage and trackage, price of construction, etc., and such approval is evidenced by the signature of the said Committee or of the majority of them, the Council shall then pass a resolution authorizing the proper officials of the Corporation to accept and sign the same on behalf of the Corporation; the said plans and specifications and contract for the construction of the said elevator, trackage and dockage shall be submitted, prior to their acceptance by the said Committee to a consulting Engineer, or to such competent person as may be required, for their approval, and such costs shall be borne by the Company in any event.

3. The said Contract, among other things, shall include the following:

(a) The said elevator shall be built in a good substantial and workman-like manner under the supervision of the City Engineer, who shall have full power to engage assistants whenever he considers the same necessary and the charge for such inspection shall be charged against and form part of the cost of the said construction.

(b) The said elevator shall have railway connection and proper facilities for unloading boats and loading into railway cars.

(c) The said elevator shall be provided with a modern marine leg capable of handling and unloading at least twenty-five thousand bushels of grain per hour, and shall be furnished with such ample power and machinery as shall be necessary to operate said marine leg to its full capacity.

(d) The said elevator shall be operated as a public elevator.

(e) The charges for elevating, unloading, storing and turning of grain shall not be in excess of similar charges for such services made at other Lake Huron and Georgian Bay ports.

(f) All payments due under the said contract shall be certified to by the City Engineer and approved of by the Municipal Council of the City of Sarnia before payment.

(g) A Surety Company Bond shall be provided to guarantee the construction of the said elevator, dockage and trackage in accordance with the plans, specifications and contract in an amount to be determined by the Committee hereinbefore referred to.

(h) Fifteen per cent. (15%) of the contract price for the construction of the said elevator, dockage and trackage shall be retained by the Corporation for a period of thirty days after the completion of the said work and

shall not be paid by the Corporation until the said elevator has been proven to the City Engineer of the City of Sarnia to be in a satisfactory running condition, and that the said contract has been conformed with in every respect.

4. The Company, prior to the erection of the said elevator, doth covenant, promise and agree to and with the Corporation to convey and assure to cause to be conveyed and assured to the Corporation by a good and sufficient deed or transfer, in fee simple, all those the said pieces or parcels of land and premises hereinafter described, together with the appurtenances, save as hereinafter set out, thereto belonging or appertaining, namely:

All and singular that certain parcel or tract of land and land under the water and premises, situate, lying and being in the City of Sarnia in the County of Lambton and Province of Ontario, and being composed of part of lots four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11), according to Registered Plan No. 24 for the City of Sarnia, and being more particularly described by John A. Baird, O.L.S., as follows, that is to say:

Commencing at a point in the northerly limit of lot number eleven, distant one thousand and twenty-nine and a half ($1029\frac{1}{2}$) feet westerly from the northeast angle of said lot number eleven; thence southerly parallel to easterly boundary of lots eleven, ten, nine, eight, seven, six, five and four to the southerly boundary of lot four; thence westerly in the southerly limit of lot four, one thousand, seven hundred (1700) feet to the channel bank of River St. Clair; thence northerly following the said channel bank to the northerly limit of lot eleven; thence easterly in the northerly limit of said lot eleven, two thousand, five hundred and fifty-four and two-tenths (2554.2) feet to the place of beginning, containing by admeasurement fifty-five and five one-hundredths (55.05) acres be the same more or less and as shown within the red border on the attached plan by John A. Baird, O.L.S., dated the 26th of January, 1927, which forms a part and parcel of this description.

together with a right of way twenty-five feet in width from the said property to the Canadian National Railway tracks to Point Edward for the purpose of constructing a railway switch from the Canadian National Railway tracks to the above described property, and also together with a strip of land fifty-five feet in width running alongside the said right of way from the said property to Front Street in the City of Sarnia, which last mentioned strip shall be deeded to the City of Sarnia and by it dedicated as a street. The location of the said right of way and strip of land last referred to are to be agreed upon satisfactorily to the Committee and to the Cleveland Sarnia Saw Mills Company before the construction of the said elevator shall be commenced.

5. The said Company reserves thereout the gravel and gravel rights upon the said property, and the Contractor and the Company hereby agree that any dredging or mining operations of any nature for the purpose of removing the said gravel, shall, previous to the said removal, be approved of by a Committee appointed by the City Council, together with the City Engineer, to the intent that any of such works shall be carried out in such a manner as not to render the property unsuitable for use as an industrial site, and the said Committee and the City Engineer shall be the sole judge as to whether such dredging or mining operations will render the said parcel unsuitable for such use. The gravel operations are also subject to the provisions hereinafter referred to in connection with the sale of industrial sites by the City.

6. Upon satisfactory completion of the said elevator, with the required dockage and trackage equipped and ready for operation, both by water and rail at full capacity and in accordance with the plans, specifications and contract hereinbefore referred to, the Corporation agrees to sell to the said Company and the Company for itself, its successors and assigns agrees to purchase the said elevator at a price equal to the total cost of the design and construction, trackage, dockage, insurance during the course of the construction, and all other expenditures made in fully completing the said elevator or representing interest on the debentures issued in accordance

therewith, and the Company thereupon agrees to pay the Corporation the sum of \$110,000.00 in cash, and upon such payment is to be put in possession of the said elevator, trackage and dockage, and the balance of the purchase money, which is not to exceed \$400,000.00 shall be paid in yearly instalments equal to the amount required to pay the yearly instalments of principal and interest on the debentures issued by the Corporation to secure the funds necessary to pay for the erection of the said elevator, as before set out. The first payment to be due within one year from the date of the issue of the debentures and to include interest from the date of the issue of the said debentures.

7. The said Company hereby authorizes the said Corporation to convey any portion or portions of the said lands as are not required for the purpose of the said elevator and additions thereto, and the said Committee is to be the sole judge as to what lands are not required for the said purpose, and as are not also required by the Dominion Government for the purpose of dredging and for the construction of a harbour, by a good and sufficient deed in fee simple, without any reservations of any kind to persons, firms or corporations for the purpose of industrial sites. The said Corporation is to have the further right to convey along with the aforesaid lands, so conveyed for industrial sites, a right of way over the said lands hereinbefore described, for the purpose of trackage to and from the industrial site so conveyed to the trackage connecting the said elevator up with the Canadian National right of way and the said industrial sites are to have a right to use the trackage so connecting the elevator with the Canadian National Railway right of way upon entering into a satisfactory agreement in respect to the joint use of the said trackage along with the elevator company; and together with a further right of way connecting up such industrial sites so to be conveyed with the strip of land heretofore mentioned and to be dedicated as a street. The said Corporation agrees that should any of such lands be sold and conveyed to any person, firm or Corporation, for the purpose of an industrial site that the said Company is to be credited on the purchase price with the amount received by the Corporation as the price for the said land, or with the assessed value of said lands so conveyed to such person, firm or Corporation, whichever of these two shall be the greater. Provided, however, that in the event of the sale of any of the said lands for industrial purposes prior to the same being mined or dredged for gravel, the said Corporation may convey the said lands, in fee simple, without any reservations in respect to gravel as hereinbefore set out.

8. Upon full payment of the purchase price being made by the Company the Corporation agrees to convey and assure, or cause to be conveyed and assured to the said Company, its successors and assigns by a good and sufficient deed in fee simple free from encumbrance and without reservations of any kind, the said elevator with its trackage, dockage and the lands conveyed to the said Corporation, with all appurtenances, as aforesaid, less whatever land which from time to time may have been deeded to the Dominion of Canada, or its nominees for the purpose of harbour facilities, and less whatever land may have been deeded by the Corporation to any party, Company or syndicate for the purpose of industrial sites, and reserving unto such sites, as have been sold, the rights of way granted along with such conveyances to the purchasers of such industrial sites.

9. The said Corporation shall, by its Council as soon as possible procure to be submitted to the electors of the Municipality under the provisions of the Municipal Act, a by-law authorizing the erection of the said elevator, by the issue of debentures to the extent of \$400,000.00 to pay for the same and for the sale of the said elevator, when completed, to the said Company, the costs of such vote, the preparation of this agreement and the necessary by-laws are to be paid for by the Company previous to the putting of such vote to the people.

10. The debentures to be issued by the Corporation shall run for a period of twenty years, and the said debentures shall be payable yearly, and the first payment of principal and interest shall be due in one year from the date of the issue of the debentures. In the event of the sale of the said debentures by the Corporation at a discount, the said discount shall become part of the original cost of construction and be paid by the said Company, but in the event of the sale of the said debentures at a prem-

ium, the said premium shall be applied on payment of the first year's principal and interest due by the Company under this agreement.

11. Should the said by-law for the erection of the elevator be assented to by the electors, the Corporation shall by its Council pass the said by-law, and in case the said by-law shall not, on such submission, receive the assent of the electors as required by the Municipal Act, then this Agreement and the said by-law shall be null and void and of no effect.

12. The said Corporation shall, by its Council, as soon as possible procure to be submitted to the electors of the Municipality under the provisions of the Municipal Act, a further by-law providing that the assessment of the said elevator and lands, trackage and dockage in connection therewith shall for ten years next following the first day of January after the completion thereof, be fixed at \$100,000.00, but further providing that this shall not apply to or affect taxation for school purposes or local improvements, and for school purposes the business assessments shall be made on the full assessable value of said elevator and the land and docks in connection therewith, and the costs of drawing the said by-law and of submitting the said by-law to the electors, are to be paid for by the Company previous to the time the said vote is put to the people.

13. In case the said by-law with regard to the fixed assessment is assented to by the said electors, the Corporation shall by its Council pass the said by-law.

14. The said Corporation also agrees to assist the Company in procuring the Dominion Government to do all necessary dredging and harbour work for the proper erection and operation of the said elevator and for the construction of a proper harbour.

15. The Corporation agrees to apply to the Legislature of the Province of Ontario for a Special Act authorizing and confirming the said by-law. All costs incidental to obtaining the Special Act shall be defrayed by the Company previous to the time that the said Corporation applies to the Legislature for the said Special Act.

16. This agreement is conditional upon satisfactory assurance to the Committee being received that the dredging and harbour work required in connection with the said elevator will be proceeded with by the said Government as soon as possible so as to be completed by the time the elevator is ready for operation.

17. The Company agrees to keep the elevator insured against fire and explosion (if possible) to an amount equal to the balance of the purchase money from time to time owing thereon and shall deposit such insurance policies with the Treasurer of the said Corporation with loss made payable to the Corporation.

18. The said Company further agrees that, should the cost of the said elevator, including trackage and dockage without including the cost of the land, exceed the sum of \$510,000.00 then the said Company agrees to pay for all excess costs above the said sum of \$510,000.00 and to deposit a surety company bond, or a bond satisfactory to the Corporation, which bond shall provide for payment by the Company on account of the construction of the said elevator, dockage and trackage, of any amount in excess of the said sum of \$510,000.00.

19. The said Company further agrees to deposit with the said Corporation a surety company bond, or a bond suitable to the Corporation for \$110,000.00 guaranteeing the down payment provided for under this agreement upon the transfer of the elevator to the said Company; both of the said last mentioned bonds shall be deposited with the Corporation prior to the time any work is undertaken.

20. The said Company further agrees that, until the said elevator is paid for in full, that two of the directors of the said Elevator Company shall be appointed by the Council of the City of Sarnia, and upon being requested so to do, the Company will convey to the said Directors so appointed, sufficient stock for the said purpose, and that upon the re-

appointment of other Directors by the Corporation the said stock shall be transferred to the new Directors to be appointed from time to time by the said Council, and the Company agrees to appoint such nominees as directors of the Company.

21. The Company agrees that during the currency of this agreement and until the Corporation has been paid in full after yearly payments have been made as called for by this agreement, it will provide yearly from net profits in excess of sufficient to pay ten per cent. on the capital stock, which capital stock shall amount to \$100,000.00 and no more, a sinking fund equal to fifty per cent. of such excess profit and that the said sinking fund shall be applied in repayment of the amount then due on the purchase price of the said elevator from the said Corporation.

22. The Company further agrees that it will give to all railways now or hereafter entering the said city, access over its right of way to the said elevator for the purpose of carrying grain to and from the said elevator.

23. The Company agrees to maintain and operate the said elevator for a period of twenty years and make all necessary repairs to keep it up to standard to the satisfaction of the Corporation, and in the event of default, the Corporation may make the repairs and charge the same to the Company and on demand the cost of same shall be paid by the Company; provided, however, that should the said Company desire to sell or lease the said elevator before the City have been paid, the said lease or sale shall be subject to the approval of the Corporation and only made upon the Corporation's approval.

24. In case of default by the Company of any of the terms hereinbefore mentioned of this agreement for the term of one year, formal notice may be given by the Corporation to the Company of such default, and on the expiry of sixty days thereafter, unless in the meantime the default is remedied, the Corporation may terminate and cancel this agreement and the property shall revert to the Corporation.

In witness whereof the said Corporation has affixed its corporate seal, attested by the hands of its Mayor and Clerk, The Sarnia Elevator Co., Limited, has affixed its corporate seal and signed by its President and Secretary-Treasurer, and MacDonald Engineering Co., of Canada, Limited, has affixed its corporate seal and attested by its President.

Signed, Sealed and Delivered CORPORATION OF CITY OF SARNIA,
in the presence of: (Sgd.) J. F. NEWTON,
(Sgd) A. G. SMITH, Mayor
as to Mayor and Clerk. (Corporate seal)

(Sgd.) M. D. STEWART,
Clerk.

THE SARNIA ELEVATOR CO., LIMITED,
(Sgd.) W. A. SAURWEIN,
President,
(Corporate Seal)

(Sgd.) M. I. WATSON,
Secretary-Treasurer.

MACDONALD ENGINEERING CO., OF CANADA, LIMITED,
(Sgd.) H. HELLMUTH,
President.
(Corporate Seal)

SCHEDULE "2"

BY-LAW No. 1673.

A By-law to fix the Assessment of The Sarnia Elevator Co., Limited.

Whereas the Municipal Corporation of the City of Sarnia proposes to erect a grain elevator.

And whereas The Sarnia Elevator Co., Limited, have agreed to purchase from the Municipal Corporation of the City of Sarnia, the said elevator and to maintain and operate the said elevator as a grain elevator for a period of twenty years and to make the necessary repairs and keep the same up to an efficient standard to the satisfaction of the Corporation.

And whereas it is deemed as desirable to fix the assessment of the said Company for a period of ten years from the date of this by-law as herein-after provided.

Now therefore the Municipal Council of the Corporation of the City of Sarnia, enacts as follows:

1. That the assessment of the Sarnia Elevator Co., Limited, for all purposes, be fixed at the sum of One Hundred thousand dollars (\$100,000.00) and that such assessment shall continue unchanged for a period of ten years from the date of the final passing of this By-law, upon so much only of the lands and premises, including dockage and trackage as shall be used in the business of the Company, but provided that this shall not apply or effect taxation for school purposes or local improvement taxes, and for school purposes the business assessment shall be made on the full assessable value of the said elevator lands and premises, including dockage and trackage in connection therewith.

2. That the said Company shall not be entitled to any of the benefits in this by-law provided, unless and until the following stipulations and conditions have been fully complied with by the said Company, namely:

(a) That the said Company shall maintain and operate the said elevator for a period of twenty years and make all necessary repairs and keep the same up to an efficient standard to the satisfaction of the Corporation.

(b) That should the said Company at any time during the period of ten years from the date of this By-law cease to operate the said elevator at the City of Sarnia, aforesaid, for a period of more than six consecutive months, all exemptions and fixed assessments granted by this By-law shall cease during such cessation of operation, and the property of the Company shall be liable to assessment and taxation as other property not exempted or not having a fixed assessment.

3. This By-law shall come into force and take effect immediately upon the final passing thereof.

Provisionally passed this First day of February, A.D. 1927.

Finally passed this 7th day of March, A.D. 1927.

(*Sgd.*) James E. Newton, (Mayor.)

(*Sgd.*) A. G. Smith, (*Acting Clerk.*)

CHAPTER 127.

An Act respecting the Town of Sudbury.

Assented to 5th April, 1927.

WHEREAS the municipal council of the corporation of the Preamble. town of Sudbury, hereinafter called the corporation, has, by petition, represented that it is desirable that certain by-laws, specified in schedule "A" hereto, and the debentures issued and to be issued thereunder, should be validated and confirmed; and whereas the said corporation has prayed that an Act may be passed for the above purpose; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Town of Sudbury Act*, Short title. 1927.

2. The by-laws specified in schedule "A" hereto and all Certain by-laws, debentures issued or to be issued thereunder are confirmed confirmed, and declared to be legal, valid and binding upon the said Debentures, confirmed. corporation and the ratepayers thereof.

3. This Act shall come into force on the day upon which Commerce-
ment of:
Act. it receives the Royal Assent.

SCHEDULE "A"

No. By-law	Date of Passing By-law	Nature of Work under By-law	Amount Debt Created	Amount Payable By Town	Amount Payable by Ratepayers	Period of Payment	Rate of Interest
949	Dec. 6th, 1926	A By-law to provide for borrowing \$13,000.00 upon debentures for the purpose of paying for the construction of a reinforced concrete bridge over Nolan's Creek on College Street in the Town of Sudbury.....	\$13,000 00	\$13,000 00	.....	20 years	5%
950	Dec. 6th, 1926	A By-law to provide for borrowing \$15,000.00 upon debentures for the purpose of paying for the construction of extensions to the electric light system of the Town of Sudbury.....	15,000 00	15,000 00	.....	10 years	5%
951	Dec. 15th, 1926	A By-law to provide for borrowing \$25,000.00 upon debentures for the purpose of paying for the construction of a new power house in the Town of Sudbury.....	25,000 00	25,000 00	.....	20 years	5%
952	Dec. 15th, 1926	A By-law to provide for borrowing \$2,850.00 upon debentures for the purpose of paying for the construction of a watermain extension to St. Joseph's Hospital in the Town of Sudbury.....	2,850 00	2,850 00	.....	20 years	5%
957	Jan. 11th, 1927	A By-law to provide for borrowing \$12,050.00 upon debentures to pay for the construction of tar macadam pavements as therein set forth.....	12,050 00	6,282 58	\$5,767 42	5 years	5%
958	Jan. 11th, 1927	A By-law to provide for borrowing \$625.00 upon debentures to pay for the construction of waterworks extensions as therein set forth.....	625 00	32 40	592 60	5 years	5%
959	Jan. 11th, 1927	A By-law to provide for borrowing \$16,775.00 upon debentures to pay for the construction of concrete walks as therein set forth.....	16,775 00	5,216 67	11,558 33	10 years	5%
960	Jan. 11th, 1927	A By-law to provide for borrowing \$42,150.00 upon debentures to pay for the construction of the sanitary sewers as therein set forth.....	42,150 00	6,162 77	35,987 23	20 years	5%
961	Jan. 11th, 1927	A By-law to provide for borrowing \$8,325.00 upon debentures to pay for the construction of the waterworks extensions as therein set forth.....	8,325 00	4,813 26	3,511 74	20 years	5%

CHAPTER 128.

- An Act respecting the Township of Teck.

Assented to 5th April, 1927.

WHEREAS the corporation of the township of Teck ^{Preamble.} by its petition represented that it has entered into agreements with Lake Shore Mines, Limited; the Teck-Hughes Gold Mines, Limited; Kirkland Lake Gold Mining Company, Limited, and Sylvanite Gold Mines, Limited, for the supply of water from the municipal system, and that under the terms of the agreements the said companies have agreed to contribute to the cost of the work the sum of \$52,000 payable over a period of 20 years and bearing interest at the rate of 6 per centum per annum; and that certain extensions have been made to the sewage system within the municipality; and that the plans and specifications covering the extensions to the waterworks and sewage system have been approved by the Provincial Board of Health and mandatory orders issued covering the said work; and that to defray the cost of said works, the corporation of the township of Teck did on the 27th day of August, 1926, pass a by-law number 254 authorizing the issue of debentures to the extent of \$180,000 bearing interest at the rate of 6 per centum per annum, repayable over a period of 20 years in equal annual instalments of principal and interest, such debentures to be a charge on the said township at large but the rates for repayment of the aforesaid borrowing to be a special levy over and above all other levies on the assessable property and income of that part of the township of Teck, situate within the limits of Union School Section No. 2, townships of Teck and Lebel; and whereas the corporation of the township of Teck has by its petition prayed that an Act may be passed confirming the said agreements and by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Township of Teck Act, 1927.* Short title.
2. By-law No. 254 of the corporation of the township of Teck set forth as schedule "A" and all debentures issued ^{By-law No. 254 confirmed.} or

to be issued thereunder are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Provision in case of insufficiency of annual levy.

3. If in any year the amount realized from the special rate levied over and above the amount paid in by the said mining companies is insufficient to pay the annual instalment of principal and interest; or if default is made by any of the said companies in payment of any of the annual payments payable by them, the said corporation shall provide for the deficiency in the estimates for the following year and levy and collect by special rate an amount sufficient to provide for the annual payment due in that year and the deficiency, if any, of the previous year.

Provision for alteration and extension of water and sewage system.

4. The said corporation may provide for the cost of any further expenditure for the alterations or extensions of the water and sewage system in that part of the township of Teck within the limits of Union School Section No. 2, townships of Teck and Lebel, by a special levy over and above all other rates each year during the currency of the debentures issued to meet such cost on all the rateable property in that part of the township of Teck within the limits of Union School Section No. 2, townships of Teck and Lebel, as at present constituted.

Agreements confirmed.

5. The agreements dated the 20th day of November, 1926, between the said corporation of the township of Teck and Lake Shore Mines, Limited; the Teck-Hughes Gold Mines, Limited; Kirkland Lake Gold Mining Company, Limited, and Sylvanite Gold Mines, Limited, all of which are in the form set out in schedule "B" hereto are hereby confirmed and declared to be legal, valid and binding on the respective parties thereto.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF TECK.

BY-LAW No. 254

Being a By-law for the borrowing of the sum of \$180,000 on debentures for the extension and construction of the water and sewage system.

Whereas certain corporations within the Municipality have made application to the Council to be supplied with water from the local Municipal system, and

Whereas the Provincial Board of Health for Ontario has under authority of *The Public Health Act* issued an order, dated the 9th day of August, 1926, authorizing the extension of the waterworks distribution system on the following streets and roads, namely:

Location	From	To
Trunk Main.....	Pump House.....	East End of Third Street
Transmission Line.....	Third Avenue.....	First Avenue
First Avenue.....	Transmission Line.....	Allan Avenue
First Avenue.....	Transmission Line.....	Sylvanite
Sylvanite.....	First Avenue.....	Government Road
Third Avenue.....	Transmission Line.....	Allan
Third Avenue.....	Allan.....	Young
Third Avenue.....	Young.....	Westerly
West End.....	Third.....	Second
Second Avenue.....	Township Road.....	Easterly
Township Road.....	Second.....	Duncan
Duncan.....	Byron.....	Kirkland
Kirkland.....	Duncan.....	Goodfish Road
Goodfish Road.....	Kirkland.....	Government Road
Government Road.....	Goodfish Road.....	Lebel Avenue
Government Road.....	Lebel Avenue.....	Teck-Hughes
Government Road.....	Teck-Hughes.....	Kirkland Mines

Together with additions to existing pump house and extra pumps, and,

Whereas the said Provincial Board of Health on the 9th day of August, 1926, made further order authorizing the construction of sewers on the following streets and roads, namely:

Location	From	To
Transmission Line.....	Third Avenue.....	First Avenue
First Avenue.....	Transmission Line.....	Allan Avenue
First Avenue.....	Transmission Line.....	Sylvanite
Sylvanite.....	First Avenue.....	Government Road
Third Avenue.....	Transmission Line.....	Allan Avenue
Third Avenue.....	Allan Avenue.....	Young
Second Avenue.....	Allan Avenue.....	Easterly
Allan Avenue.....	Third Avenue.....	Second Avenue
Third Avenue.....	Young.....	Westerly
West End.....	Third Avenue.....	Second
Second Avenue.....	Township Road.....	Easterly
Goodfish Road.....	Kirkland.....	Government Road
Government Road.....	Goodfish Road.....	Lebel
Goodfish Road.....	Government Road.....	North
Trunk Sewer.....	Murdock Creek Tank.....	Fifth and Allan
Fifth Avenue.....	Fifth Avenue.....	Third Avenue
Trunk Sewer.....	Fifth Avenue.....	Third Avenue

Including Murdock Creek Septic Tank and Kirkland Lake Septic Tank.

And whereas the plans and specifications have been approved by the said Board, and

Whereas

Whereas the Municipal Council of the Corporation of the Township of Teck duly passed a By-law on the 13th day of August, 1926, authorizing the construction of the said sewer and watermains, and

Whereas it is necessary to borrow for the purposes above mentioned, the sum of \$180,000 on the credit of the Corporation at large, and

Whereas it is deemed proper that the rates for re-payment of the aforesaid money shall be levied on the assessable property and income on that portion of the Township of Teck situate within Union School Section No. 2, Townships of Teck and Lebel, as at present constituted, which shall be benefited by the said works, and

Whereas the amount of the whole rateable property of the Municipal Corporation according to the last revised assessment roll is \$1,571,882.00, and

Whereas the amount of the debenture debt of the Municipality is \$232,752.86 and the Municipality is not in default on payment of either principal or interest.

Now therefore the Municipal Corporation of the Township of Teck enacts as follows:

1. For the purposes aforementioned there will be borrowed the sum of \$180,000.00 and debentures shall be issued therefor in sums of not less than \$100.00 bearing interest at the rate of six (6) per cent. per annum and having coupons attached thereto for the payment of interest.

2. The debentures shall all bear the same date and will be issued within two years from the date that this by-law is passed and will be repayable in twenty installments during the 20 years after this date and the respective amounts of principal and interest payable in each of the said years shall be in accordance with the schedule hereto annexed and marked "A" which is hereby declared to be and form part of this By-law.

3. The debentures, as to both principal and interest, shall be negotiable without charge at the Imperial Bank of Canada, Kirkland Lake, Toronto or Montreal.

4. The debentures shall be signed by the Reeve and Treasurer of the Township of Teck and shall be sealed with the Corporate seal of the Municipality. The coupons shall be signed by the Treasurer of the Township and his name may be written, lithographed or engraved.

5. During the 20 years, the course of the said debentures, the sum of \$15,693.22 shall be raised annually for the payment of the debt and interest and the said sum shall be levied and raised annually by a separate rate therefor over and above all other rates, on that part of the rateable property of the Township of Teck situate within Union School Section No. 2, Townships of Teck and Lebel, as at present constituted according to the last revised assessment roll, at the same time and in the same manner as other rates.

6. The debentures may contain a clause providing for the registration thereof authorized by any statute relating to Municipal debentures in force at the time of issue thereof.

Read a first, second and third time and enacted and passed in Open Council this 27th day of August, 1926.

J. W. MCBAIN, Clerk.

J. J. EDWARDS Reeve.

SCHEDULE "A."

	Interest	Principal	Total
1927.....	\$10,800 00	\$1,893 22	\$15,693 22
1928.....	10,506 40	5,185 81	15,693 21
1929.....	10,195 19	5,498 02	15,693 21
1930.....	9,865 31	5,827 91	15,693 22
1931.....	9,515 64	6,177 58	15,693 22
1932.....	9,144 98	6,548 23	15,693 21
1933.....	8,752 09	6,941 13	15,693 22
1934.....	8,335 62	7,347 59	15,693 21
1935.....	7,894 17	7,799 05	15,693 22
1936.....	7,426 22	8,267 00	15,693 22
1937.....	6,930 21	8,763 01	15,693 22
1938.....	6,404 42	9,288 80	15,693 22
1939.....	5,847 10	9,846 12	15,693 22
1940.....	5,256 33	10,436 89	15,693 22
1941.....	4,620 12	11,936 09	15,693 21
1942.....	3,966 33	11,726 89	15,693 22
1943.....	3,262 71	12,430 51	15,693 22
1944.....	2,516 88	13,176 33	15,693 21
1945.....	1,726 31	13,966 91	15,693 22
1946.....	888 30	14,804 91	15,693 21
	<hr/> \$134,834 33	<hr/> \$180,000 00	<hr/> \$323,864 33

SCHEDULE "B."

Memorandum of Agreement made this Twentieth day of November, 1926.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF TECK,
hereinafter called the "Municipality,"

of the First Part;

AND

of the Second Part.

Whereas the Municipality has at present a Water System supplying the Townsite of Kirkland Lake, and

Whereas Lake Shore Mines, Limited (No Personal Liability), The Teck-Hughes Gold Mines, Limited (No Personal Liability), Kirkland Lake Gold Mining Company, Limited (No Personal Liability), and Sylvanite Gold Mines, Limited (No Personal Liability), (hereinafter referred to as the "Companies") have made application to the Municipality for the supply of water to each of them respectively for mining, milling and domestic purposes, and

Whereas the capital cost for the extension necessary to provide a service for the supply of water to the Companies is approximately Fifty-two Thousand (\$52,000) Dollars, and

Whereas the annual sum required to amortize twenty year debentures for the said sum of Fifty-two Thousand (\$52,000) Dollars and interest thereon at the rate of six per cent. (6%) per annum is Four Thousand Five Hundred (\$4,500) Dollars, and

Whereas the Municipality has agreed to provide a service and supply water to the Company on the terms and conditions hereinafter contained,

Now therefore this agreement witnesseth that in consideration of

the

the premises and for other good and valuable consideration the Parties hereto mutually covenant and agree each with the other as follows:

1. The Municipality agrees to lay a Ten-inch Water Main to the property of the Company and to establish a Ten-inch Branch Line at a point agreed upon between the Company and the Township Engineer, and to supply water at a minimum pressure of seventy (70) lbs. for domestic service and one hundred and fifty (150) lbs. for fire service at the Pumping station, and of a purity to meet the requirements of the Provincial Board of Health, to the Company for the time that the Company shall carry on mining or milling operations in the Municipality and to commence to supply water not later than the First day of January, 1927, subject, however, to the provisions hereinafter contained.

2. The Municipality further agrees to provide, install and maintain a meter on the ten-inch Branch Line, at or near the point of supply, for the proper measurement of the water used by the Company and to furnish true copies of the monthly meter readings to the Company and to render on or before the 5th day of each and every month a bill to the Company for the water supplied for the previous calendar month, provided, however, that if the meter should fail to properly measure the water consumed in any one month or part of a month, the average consumption for the two calendar months immediately preceding shall be taken for the month in question, and a bill rendered accordingly.

3. The Municipality further agrees to and with the Company that in the event of a fire occurring on the Company's property that the Municipality will on five minutes' notice increase the water pressure on the general service to a point where one hundred and fifty (150) lbs. pressure will be available at the Pumping Station when five 1 and $\frac{1}{2}$ inch fire hose streams are in operation on the Company's property.

4. The Company agrees to take its water supply from the Municipality for the time that the Company shall carry on mining or milling operations in the Municipality, subject, however, to the provisions herein contained.

5. The Company further agrees that should a fire occur within the limits of the Townsite of Kirkland Lake or on the premises of any of the Companies that it will upon five minutes' notice being given reduce the supply of water taken to a minimum necessary to keep the Company's mill in operation until such time as the fire shall have been extinguished, provided always that this provision shall not be effective if and when a fire should occur or be in progress on the property of the Company.

6. The Company further agrees to pay for water used from the Municipality up to and including the 31st day of December, 1927, at rates to be fixed by the following schedule:

If the average quantity used during the month is 25,000 gallons or less per day at the rate of 15c per 1,000 gallons for that month;

If the average quantity used during the month is more than 25,000 and less than 50,000 gallons per day at the rate of 12c. per 1,000 gallons for that month;

If the average quantity used during the month is 50,000 or more, and less than 75,000 gallons per day at the rate of 9c. per 1,000 gallons for that month;

If the average quantity used during the month is 75,000 or more and less than 100,000 gallons per day at the rate of 7c. per 1,000 gallons for that month;

If the average quantity used during the month is 100,000 or more and less than 250,000 gallons per day at the rate of 6c. per 1,000 gallons for that month;

If the average quantity used during the month is 250,000 gallons or more per day at the rate of 5 $\frac{1}{2}$ c. per 1,000 gallons for that month.

Payment to be made within ten days after delivery of the bill for the preceding month as required under Clause No. 2 hereof.

7. Subject to Clause Number 12 hereof the Company further agrees that commencing in the year 1928 it will annually ten days before the date the principal and interest falls due on said debentures for a period of nineteen years pay to the Municipality the sum of Eleven Hundred and Twenty-five (\$1,125.00) Dollars provided, however, that the amount remaining unpaid under this clause may be discharged by the Company paying the Municipality on any date of payment fixed by this clause the then present value of the payments then remaining unpaid calculating interest at the rate of six per cent. compounded annually. Provided further that should the Company be in default in payment of any of the annual payments for a period of sixty days, the Municipality at its option may after thirty days' notice in writing to the Company declare the then present value of the annual payments remaining unpaid, immediately due and payable; and in the event of the Company becoming bankrupt or going into voluntary liquidation, the then present value of the annual payments remaining unpaid shall immediately become due and payable.

8. The Company further agrees that from and after the 31st day of December, 1927, it will pay for the water consumed by it at rates to be fixed by the Township Engineer as follows:

The rate for each ensuing year shall be adjusted and fixed by the Township Engineer on the First day of January, 1928, and on the First day of January in each and every year thereafter during the period of this agreement, and, subject to the provisions of clause Number 9 hereof, the price of water to the Company per thousand gallons shall be the cost of supplying the same as represented by the sum of the following items:

(a) The Total yearly power bill of the Municipality at the Pumping Station for the immediately preceding year divided by the total amount of water in thousands of gallons pumped by the Municipality for all purposes during that year.

(b) Maintenance and overhead for the immediately preceding year on the trunk mains installed under the provisions of this Agreement, divided by the total amount of water in thousands of gallons pumped by the Municipality for all purposes during that year.

(c) The wages of one operator only at the pumping station for the immediately preceding year divided by the total amount of water in thousands of gallons supplied to the Companies during that year.

(d) One-half cent per thousand gallons.

(e) The amount of the deficit (if any) sustained by the Municipality during the immediately preceding year on each thousand gallons of water supplied to the Companies during that year such deficit (if any) being the difference between the cost of supplying water to the Companies as represented by items (a), (b) and (c) hereof, and the amount of the revenue per thousand gallons derived from the Companies during the same year under Clause Number 6 or 8 hereof.

9. It is further agreed by and between the Parties hereto that when the rate is being fixed each year, in the event of the Municipality having realized a surplus on each thousand gallons of water supplied to the Companies during the immediately preceding year over and above the amount of the rate per thousand gallons as fixed for the said immediately preceding year (having first deducted from the amount of said rate one-half cent) such surplus shall be deducted from the amount arrived at by the calculation prescribed in Clause Number 8 and the net result shall be the rate for the ensuing year.

10. It is agreed by and between the Parties hereto that the Company's Auditor or other duly accredited representative may at any time upon giving twenty-four hours' notice examine the books and records of the Municipality covering the Water Works transactions and the Municipality

pality agrees to furnish every facility to such person or persons to enable all charges against any of the items referred to in clause Number 8 to be thoroughly investigated and checked.

11. The Company further agrees to give the Municipality a Right of Way twelve feet (12') in width over such part of the property of the Company as may be necessary for the proper laying and maintaining of the water works system and including the right to excavate and lay water pipes and subject to the provisions of clause Number 12 hereof to give the Municipality the right of making connections to the trunk main to supply water to any other customer; Provided, however, that should the Company's operations require any change in the location of any water pipes on its lands the Municipality agrees upon being given thirty days' notice in writing to move, at the expense in the first place of the Municipality, the portion of the water main or branch line required to be moved to a new right of way to be agreed upon between the parties hereto and the cost of such removal shall be reimbursed to the Municipality by the Company within sixty days from the date of completion thereof. The Municipality shall not be liable to the Company for any loss or interruption of service caused by reason of any removal of the Water main on the property of any of the Companies provided such interruption of service does not continue for a longer period than five hours and provided that the Companies affected by such interruption of service shall have been given six hours' notice.

12. (a) In the event of any other "mining company" or "mining companies" making application to the Municipality at any time before the first day of January, 1937, for a supply of water for other than purely domestic purposes it is agreed that the Municipality shall require any such applicant to enter into an agreement of similar tenor so far as possible to this Agreement and that the Municipality will issue its debentures for the cost of the installation of the water service to such applicant or applicants and that such new debentures shall be repayable in equal annual instalments of principal and interest the final instalments to fall due on the same date as the final instalments of the debentures now being issued by the Municipality and hereinbefore referred to, and that in the event of the total annual cost of such new debentures added to \$4,500.00 and divided by the number of companies then taking and so proposing to take water being less than \$1,125.00 the Company shall only be required to pay such lesser sum per annum in lieu of the \$1,125.00 mentioned in Clause Number 7 hereof, and in case the Company shall have discharged its obligation under said Clause Number 7 the Company shall be entitled to a credit on its water rates for the succeeding year or years, so far as the same will extend sufficient to refund to the Company an amount equal to the then present value of the difference between \$1,125.00 and said lesser sum annually for the number of the unexpired years of the nineteen-year period mentioned in Clause Number 7, calculating interest at the rate of six per cent. compounded annually. In case the Company may thereafter desire to discharge its obligation under said Clause Number 7 it may do so by paying to the Municipality on any date of payment fixed by said Clause Number 7, the then present value of such lesser payments then remaining unpaid, calculating interest at the rate of six per cent. compounded annually.

(b) In the event of any other "mining company" or "mining companies" obtaining a supply of water from the Municipality for other than purely domestic purposes under the provisions of Clause Number 12 hereof, then from and after the dates of their respective agreements with the Municipality for the supply of water each of such shall be deemed to be included in the expression "Companies" wherever the same is used in this agreement unless the context is clearly repugnant thereto.

(c) In the event of any other "mining company" or "mining companies" obtaining a supply of water from the Municipality after the 31st day of December, 1936, for other than purely domestic purposes then such "mining company" or "mining companies" shall be deemed to be included in the expression "Companies" where the same occurs in sub-clause lettered (c) of Clause Number 8 of this Agreement.

(d)

(d) In the case of any other "Mining Company" obtaining water from the Municipality for purely domestic purposes the Municipality agrees that it will as a condition of supplying the water reserve the right to cut off the supply of such and that it will cut off the supply to such consumer should the water be used for other than purely domestic purposes. Water supplied to any such consumer shall be charged for at not less than the general rate fixed for consumers living in the Townsite of Kirkland Lake.

13. It is agreed by and between the parties hereto that should any dispute arise under the provisions of this Agreement either Party thereto may on giving ten days' written notice to the other Party refer such matter in dispute to the award and determination of the Ontario Railway and Municipal Board as arbitrators which Board shall have all the powers given by *The Arbitration Act* (Ontario) to arbitrators. The provisions of the said Arbitration Act shall govern all such references and either Party shall have the right to appeal from the award of said Board.

14. It is further agreed by and between the Parties hereto that the Municipality shall not be liable for any loss or damage occasioned through failure to supply water according to the terms of this Agreement by reason of conditions beyond the control of the Municipality.

15. It is further agreed that wherever the expression "gallons" is used in this Agreement it shall be deemed to mean "Imperial Gallons" and no other.

This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

In witness whereof the Parties hereto have executed this Agreement.

SIGNED, SEALED AND DELIVERED

in the presence of:

CHAPTER 129.

An Act respecting the Town of Tecumseh.

Assented to 5th April, 1927.

Preamble.

WHEREAS the corporation of the town of Tecumseh has by its petition represented that on 10th day of November, 1926, a certain by-law No. 179 was passed for submitting to the electors of the said town the question of whether they were in favour of an application by the said corporation to the Legislature for authority to adopt in the said town a system of municipal government by a smaller elective council as is hereinafter provided; and whereas the said question was duly submitted to the electors accordingly on the 6th day of December, 1926, who, by a majority of votes declared themselves in favour of the said application; and whereas the said council has by its petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Town of Tecumseh Act, 1927.*

Application of Act.

2. From and after the 15th day of November, 1927, this Act shall apply to and govern the corporation of the town of Tecumseh; and in so far as the provisions hereof shall alter, vary or conflict with any of the provisions of *The Consolidated Municipal Act, 1922*, or any other statute of this Province relating to municipal corporations, or amendments thereof, the provisions of this Act shall prevail.

New council, composition and mode of election.

3. From and after 31st December, 1927, the council of the said corporation shall be composed of and comprise a mayor, a reeve and three councillors, who shall be elected by general vote of the qualified electors of the said town. Of the said three councillors the one obtaining the highest number of votes at the election held in December, 1927, shall hold office for the term of two years from and after

31st December, 1927, and the remaining two councillors shall hold office for the term of one year from and after the said last mentioned date, and the mayor and reeve shall also hold office for the term of two years from and after the said last mentioned date; provided that in the event of the election by acclamation of all three councillors at the election in December, 1927, the councillor having the highest assessment in the said town according to the last revised assessment roll shall hold office for the said term of two years and the remaining two councillors shall hold office for the term of one year.

4. In the event of the death, resignation or removal from office for any cause under the provisions of *The Consolidated Municipal Act, 1922*, of any mayor or reeve during his term of office the remaining members of the council shall appoint ^{Method of filling vacancy caused by death, etc., of mayor or reeve.} 1922, c. 72. one of their number to fill the vacancy so caused to hold office for the unexpired term of the mayor or reeve so dying, resigning or being removed from office.

5. In the event of the death, resignation or removal from office for any cause under the provisions of *The Consolidated Municipal Act, 1922*, of any councillor or in the event of any vacancy being filled as provided by the last preceding section, the candidate for councillor at the last preceding election having the highest number of votes shall be declared by the town clerk elected to the office for the unexpired term of the councillor so dying, resigning or being removed from office or of the person being appointed under the provisions of the last preceding section as the case may be; but in the event of there having been a tie vote or in the event of the members of the said council having all been elected by acclamation the vacancy in the council shall be filled by the appointment by the council of another qualified elector of the town as councillor for the unexpired term of the councillor so dying, resigning or being removed from office or of the member of the council appointed under the provisions of the last preceding section.

6. Notwithstanding anything hereinbefore provided the members of the said council shall hold office until their successors are elected and the new council is organized. ^{Councillors to hold office until new council organized.}

7. In all other respects the nomination and election (by vote of the electors) for mayor, reeve and councillors of the said town from time to time shall be held and conducted in accordance with the provisions of *The Consolidated Municipal Act, 1922*, in that behalf. ^{Nominations and election in accordance with 1922, c. 72.}

1922, c. 72.
to apply
where not in-
consistent.

8. Except as by this Act varied, altered or changed, *The Consolidated Municipal Act, 1922*, and all other statutes now applicable to the said corporation, its council or officers shall be of full force and effect.

Commencement of
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 130.

An Act respecting the Township of Thorold.

Assented to 5th April, 1927.

WHEREAS the corporation of the township of Thorold Preamble. in the county of Welland has by its petition represented that the township of Thorold is situate south of the town of Thorold between the town of Thorold and the city of Welland and the Welland canal passes through said township from south to north; and that owing to the establishment of large manufacturing plants in certain parts of the township and the increase of population in the neighbourhood of such industries, it is desirable that certain powers should be conferred upon the corporation for the purpose of enabling it to instal a system or systems of waterworks and construct sewers and sewage disposal works in defined sections or areas of the township; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Township of Thorold Act,* Short title 1927.

2. The council of the township of Thorold may from time to time pass by-laws to set apart and establish as a sewer area or as a water area any portion of the township described in such by-law, and to construct, enlarge, extend, improve and operate sewerage systems and sewage disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein.

3.—(1) The entire cost of the construction, enlargement, extension, improvement, operation, maintenance, management and repair of any such sewerage systems or sewage disposal works or of any such waterworks systems, save and except such works as are undertaken pursuant to the pro-

visions of section 4 shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

Borrowing powers.

(2) The corporation may borrow the amount of the cost of any work undertaken under this section by the issue of debentures payable within a period not exceeding thirty years from the date of the issue thereof.

Works to be undertaken as local improvements with certain exceptions.

1927, c. 62.

4. The council may undertake within any sewer area or areas the construction of sewers and necessary appliances and accessories and private drain connections and within any water area or areas the construction of watermains and necessary appliances and accessories as local improvements pursuant to the provisions of *The Local Improvement Act*, except that,—

- (a) Subject to the provisions of clause (c) where a work is constructed to serve lands situate entirely within one area, that part of the cost which would otherwise be the corporation's portion of the cost shall be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting on or served by the work.
- (b) Where a work is constructed to serve lands situate within more than one area, the council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such area in the manner in this section provided.
- (c) The council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council provide that a certain annual rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed against the land fronting or abutting directly on or served by the sewers or watermains constructed in the area designated in such by-law during the currency of the debentures issued to pay for the cost of such sewers or watermains and that the remainder of the cost, if

any,

any, not provided for by such annual rate, shall be borne by the area, provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the sewer or watermain, the surplus resulting therefrom shall be deposited to a special account to be used by the council for the benefit of such area. Any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the council.

- (d) In any notice of council published, served or mailed pursuant to sections 10, 12, 37 or 42 of *The Local Improvement Act* in respect to the construction of sewers or watermains it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the corporation or the area, but it shall be sufficient to show the annual special rate per foot frontage.
- (e) After a work undertaken has been completed it shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it is constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof.
- (f) Where it will be more economical owing to rock excavation, damage to a pavement, or for any other reason which the engineer deems sufficient, to lay watermains or sewers on both sides of a street, the by-law for undertaking the work may so provide, and that,—
 - (i) the cost of the two watermains and of the service pipes and stopcocks, or
 - (ii) the cost of the two sewers and the sewer connections,
 shall be added together and the total cost thereof specially assessed against the lots fronting or abutting on both sides of the street as one watermain or one sewer.
- 5. The council may agree with any bank or person for temporary advances to meet the cost of any of the works hereby authorized pending the completion thereof, and the council may when the work undertaken is completed borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of the work undertaken including the items of cost referred to in subsection 2 of section 20 of *The Local Improvement Act*,^{1927, c. 62.} and may issue debentures for the sums so borrowed.

Temporary
advances to
meet cost of
work.

Levy of
general rate
to meet
deficiencies.

6. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the council shall provide for the deficiency in the estimates for the current or the following year, and levy and collect the same by a general rate on all the rateable property in the municipality, but this shall not relieve the land in such area or areas so assessed from the rates imposed thereon.

Enlargement
or reduction
of defined
areas

7. The council of the township of Thorold may from time to time pass by-laws to enlarge or reduce any defined area by annexing thereto such portion or portions of the said township or of any area or by withdrawing therefrom such portion or portions of the area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof, or to subdivide, vary, or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in the by-law.

Agreements
with other
municipali-
ties as to
sewage
disposal
works.

8.—(1) The council of the township of Thorold, may enter into an agreement with any other municipality or municipalities and any other municipality or municipalities may enter into an agreement with the township of Thorold for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plant appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the construction, enlargement, improvement, and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Thorold as fixed by such agreement shall be levied upon all the rateable property in such sewer area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of constructing, extending, operating and maintaining the said works, or if more than one area then to such areas in proportion to their respective shares of the cost of such construction, enlargement, improvement, extension, operation and maintenance.

Agreements
for
admission
of sewage
into sewers
of other
muni-
cipalities.

(2) The council of the corporation of the township of Thorold and the council or councils of any other municipality or municipalities may enter into agreements for the admission of sewage from the said township of Thorold into the sewers and sewerage works of such other municipality or municipalities, and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefited thereby, or if more than one area, then on

all the rateable property in such areas in such proportion as the council may by by-law determine.

(3) The council of the corporation of the township of Thorold may enter into agreement with the council or councils of any other municipality or municipalities for the admission of sewage from such other municipality or municipalities into the sewers and sewerage works of the said township of Thorold, and in such event the revenue arising therefrom shall be credited to the sewer area of the township into whose sewers or works the sewage is admitted, or if more than one area then to such sewer areas in such proportion as the council may by by-law determine.

9. It shall not be necessary to submit for the assent of the electors any by-law passed pursuant to the provisions of this Act, but no by-law relating to the waterworks system, except by-laws passed pursuant to the provisions of section 4 shall be effective until approved by order of the Ontario Railway and Municipal Board and when so approved such by-law shall be valid and binding.

10. Where the local board of health recommends that sanitary conveniences should be installed in any building and is of the opinion that the owner of the premises is unable to pay the expense of the same at once, the municipality may instal suitable sanitary conveniences at the expense of the owner and the board may direct that the cost, including interest at a rate not exceeding six per centum per annum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and thereupon such annual payments shall be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

CHAPTER 131.

An Act respecting the Town of Timmins.

*Assented to 5th April, 1927.***Preamble.**

WHEREAS the corporation of the town of Timmins has by its petition represented that the water works system of the said town has been constructed and extended from time to time at the expense of the corporation at large, that watermains are in many cases laid along properties the owners or occupants of which do not take water or contribute to the revenue of the water works system, that in consequence thereof the general water rates are higher than they otherwise would be, and that it is desirable that legislation be obtained to authorize the council of the said town to levy and collect special rates upon all properties fronting on streets, alleys and lanes upon which watermains are now or hereafter laid; and whereas the said corporation has by its petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Town of Timmins Act, 1927.*

Power to assess and levy special frontage rate.

2. The council of the town of Timmins may by by-law assess and levy a special frontage rate upon the several lands, lots or parts of lots, whether occupied or vacant, fronting or abutting upon all streets, lanes and alleys in the municipality upon which watermains have been heretofore laid or upon which watermains may hereafter be laid, which special rate shall be an equal annual rate per foot frontage according to the frontage of the said lands, lots or parts of lots, and shall not, except as hereinafter provided, exceed ten cents per foot of such frontage, and the council may by by-law provide an equitable mode of assessing corner lots, triangular and other irregularly-shaped pieces of land or lots unfit for building purposes where the council deems it inequitable to assess the full frontage thereof; provided that upon the production by any owner or occupant using water, of a receipt for the pay-

ment of the sum, rate or rent charged such owner or occupant for water, such owner or occupant shall be allowed the amount so paid as a payment on account or in satisfaction of the special frontage rate authorized by this section, and provided also that if in any year the owner or occupant after paying said frontage rate shall also have paid for the use of water as aforesaid as shown by the receipt therefor, there shall be repaid to such owner or occupant an amount equal to the whole or such part of said special frontage rate as is shown on such receipt.

3. The said special frontage rate shall be payable at the same time as the general taxes of the town, and until paid shall be a lien or charge upon the lands, tenements, lots or parts of lots against which the same is charged or assessed, and arrears of such special frontage rate may, with interest thereon at the rate of ten per cent. per annum, from the time of default in payment, be collected in the same manner and by the same officials and by the same process as arrears of taxes are collected under the provisions of *The Assessment Act.* Rev. Stat. c. 195.

4. The special frontage rate authorized by section 2 may be varied from time to time by by-law of the council of the town of Timmins approved by the Ontario Railway and Municipal Board.

5. Upon the passing of a by-law under the provisions of section 2, imposing a special frontage rate as therein authorized or no watermains or waterworks extensions shall thereafter be undertaken by the town under *The Local Improvement Act.* 1927, c. 62.

6.—(1) From and after the passing of a by-law under the provisions of section 2 hereof, the council of the said town may from time to time pass by-laws for undertaking the construction of watermains and the extension, improvement or reconstruction of the waterworks system and may when the work undertaken is completed pass by-laws for borrowing on the credit of the corporation of the town of Timmins at large the entire cost of such works, including estimated discount and cost in connection with the issue and sale of debentures, and for issuing debentures therefor, provided that no by-law passed under the authority of this section shall come into force or effect until approved by the Ontario Railway and Municipal Board.

(2) It shall not be necessary to obtain the assent of the electors to any by-laws passed under this section.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 132.

An Act respecting the Township of Tisdale.

Assented to 5th April, 1927.

Preamble.

WHEREAS the corporation of the township of Tisdale has by its petition represented that it has constructed a waterworks system, sewer system, and sewage disposal plant in that part of the township of Tisdale commonly called the settlement of South Porcupine; that plans and specifications of the said works were submitted to the Provincial Board of Health and that the same were duly approved by such Board pursuant to *The Public Health Act*; that the said township proposes to borrow moneys required to defray the cost of the said works estimated at \$200,000 by the issue of debentures on the instalment plan payable within twenty years and bearing interest at five and one-half per cent. per annum, payable yearly, and that the said township deems it proper that the rates for repayment of the aforesaid borrowing shall be levied on the assessable property and income within School Section No. 1 as at present constituted in the said township, which alone will be benefited by the said works, but that all moneys so borrowed and interest thereon shall be borrowed on the credit of the corporation at large and have passed By-laws numbers 308 and 309 providing for the said work and the said debentures and for raising the moneys required to pay the said debentures; and whereas the said corporation has by its petition prayed that an Act may be passed to validate and confirm the said by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Township of Tisdale Act, 1927.*

By-law
N^o. 308
confirmed.

2. By-law number 308 of the corporation of the township of Tisdale, set out in schedule "A" to this Act, to authorize the issue of debentures for the sum of \$200,000 to provide for the construction of watermains and sewers on certain streets in the township of Tisdale and a sewage disposal plant and all

debentures

debentures issued or to be issued thereunder and assessments made or to be made for the payment of the said debentures are hereby validated and confirmed and declared to be binding upon the said corporation and the ratepayers thereof.

3. By-law number 309 of the corporation of the township ^{By-law No. 309.} of Tisdale, set out in schedule "B" to this Act, to provide for ^{No. 309.} confirming raising by special rate the moneys required to pay the debentures authorized by By-law 308 and all assessments made or to be made thereunder are hereby validated and confirmed and declared to be binding upon the said corporation and the ratepayers thereof.

4. If in any year the amount realized from the special rate imposed to provide for the owners' portion of the cost and ^{special rate} interest is insufficient to pay the amount falling due in such ^{to pay} year in respect of so much of the debentures as represent the ^{amount} owners' portion of the cost the council shall provide for the deficiency in the estimates for the following year, and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon.

5. The corporation of the township of Tisdale may from time to time undertake as a local improvement under *The Local Improvement Act* the construction and installation of all ^{Authority to install} private ^{water service} and necessary private water service pipes, stop cocks and private ^{drains under} drains under ^{1927, c. 62.} drain connections.

6. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

SCHEDULE "A."

TOWNSHIP OF TISDALE

BY-LAW NO. 308

To authorize the issue of debentures for the sum of \$200,000.00 to provide for the construction of watermains on certain streets in the Township of Tisdale (including pump houses at Springs and at Porcupine Creek and incidentals thereto) and for the construction of sewers on certain streets in the said Township, pursuant to reports in writing, of the Provincial Board of Health.

Whereas the Provincial Board of Health on the 20th day of April, 1925, reported in writing that, having inquired into, ascertained and considered the existing conditions in the Municipality of the Township of Tisdale (South Porcupine Townsite) it is of the opinion that it is necessary in the interests of the public health that watermains be constructed on the following streets, namely:—

Street	From	To
Railroad.....	South Boundary.....	Dome.....
Dome.....	Railroad.....	Railroad.....
Dome.....	Warner.....	Leighton.....
Leighton.....	Dome Street.....	Smith.....
Allan.....	Dome Street.....	Smith.....
Smith.....	Railroad.....	Allan.....
Dome.....	Allan.....	Boundary Lane.....
Railroad.....	Dome Street.....	Golden.....
Golden.....	Railroad.....	Moore.....
Golden.....	Moore.....	West Boundary.....
Strachan.....	West Boundary.....	Lot 177.....
Bruce.....	Crawford.....	Brown.....
Bruce.....	Crawford.....	Lot 77.....
Bruce.....	Brown.....	Moore.....
Bruce.....	Moore.....	West Boundary.....
Bloor.....	Crawford.....	Moore.....
Bloor.....	Crawford.....	Lot 35.....
Bloor.....	Moore.....	West Boundary.....
Commercial.....	Brown.....	Moore.....
Commercial.....	Crawford.....	Lot 9.....
Broadway.....	Brown.....	196 feet East.....
Crawford.....	Golden.....	Dome.....
Brown.....	Bloor.....	Broadway.....
Brown.....	Broadway.....	Powell.....
Moore.....	Golden.....	Strachan.....
Supply Main.....	Pump.....	Reservoir.....
Supply Main.....	Reservoir.....	5,000 feet North.....
With Supply Main.....	5,000 feet North.....	Town.....

Including the following: Pump, Pump House, Power Line and Reservoir in the Township of Tisdale, and this Council is required by the Statute in that behalf, to pass the necessary By-law for the establishment of the works.

And whereas the Engineers of the Corporation duly prepared plans and specifications and an Engineer's report of the water supply and the works to be undertaken, and submitted the same to the Provincial Board of Health with an application for the approval thereof.

And whereas the source of supply and the proposed works have been approved by the Provincial Board of Health and such approval has been certified under the hand of the Chairman and Secretary of the said Board

And whereas the Provincial Board of Health on the 20th day of April, 1925, further reported in writing that, having inquired into, ascertained and considered the existing sanitary conditions of the Municipality of the Corporation of Tisdale (South Porcupine Townsite), it is of the opinion that it is necessary in the interests of the Public Health that sewers be constructed on the following streets, namely:—

Street	From	To
Railroad.....	Smith.....	Dome Street.....
Leighton.....	Smith.....	Dome Street.....
Dome Street.....	Warner.....	Leighton.....
Railroad.....	Dome Street.....	T. & N.O. Ry.....
Railroad.....	T. & N.O. Ry.....	Golden.....
Smith.....	Railroad.....	Allan.....
Allan.....	Smith.....	Dome.....
Dome.....	Allan.....	Boundary Lane.....
Boundary Lane.....	Dome.....	T. & N.O. Ry.....
T. & N.O. Ry.....	Boundary Lane.....	Railroad.....
Strachan.....	Railroad.....	Crawford.....
Strachan.....	Crawford.....	Brown.....
Brown.....	Strachan.....	Golden.....
Golden.....	Railroad.....	Lot 105.....
Golden.....	Lot 105.....	Crawford.....
Golden.....	Crawford.....	West Boundary.....
Bruce.....	Crawford.....	West Boundary.....

Street	From	To
Bloor.....	Crawford.....	Brown.....
Bloor.....	Brown.....	West Boundary.....
Crawford.....	Golden.....	Bloor.....
Crawford.....	Bloor.....	Commercial.....
Brown.....	Golden.....	Bruce.....
Brown.....	Bloor.....	Powell.....
Broadway.....	Brown.....	Lot 528.....
Commercial.....	Brown.....	Moore.....
Moore.....	Strachan.....	Golden.....
Strachan.....	Moore.....	West Boundary.....

Including Septic Tank in the Township of Tisdale.

And whereas the Engineers of the Corporation duly prepared plans and specifications of the works, and submitted the same to the Provincial Board of Health with an application for the approval thereof.

And whereas the plans and specifications for the said sewers have been approved by the Provincial Board of Health, and such approval has been certified under the hand of the Chairman and Secretary of the Board.

And whereas tenders have been received for the construction of the said works according to the plans and specifications prepared by the Engineers of the Corporation, and approved of by the Provincial Board of Health, and Messrs. Curran & Briggs Limited and Leo Mascioli, the lowest tenderers for the entire work, have agreed to construct the same at the prices mentioned in their several tenders.

And whereas for the purposes aforesaid, it is necessary to borrow on the credit of the Corporation at large, the said sum of \$200,000.00 and to issue debentures therefor, bearing interest at the rate of five and one-half per centum per annum, which is the amount of the debt intended to be created by this By-law.

And whereas it is desirable to make the said debt payable in twenty annual instalments during the period of twenty years, the currency of the debentures to be issued under this By-law, of such amounts respectively that with the interest in respect of the debt payable semi-annually, the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same.

And whereas it will be necessary to raise in each year in which an instalment becomes due, the sum of \$16,735.80 to pay it when and as it becomes due.

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll is Two Million Nine Hundred and Eighty-four Thousand, Six Hundred and Forty-nine Dollars.

And whereas the amount of the debenture debt of the Corporation (exclusive of Local Improvement debts secured by special rates of assessment) is Three Hundred and Twelve Thousand Six Hundred and Fifty-three Dollars and Ninety-eight Cents, and no part of the principal or interest thereof is in arrear.

Now therefore the Municipal Council of the Corporation of the Township of Tisdale enacts as follows:—

(1) That the said watermains and sewers be constructed in accordance with the said plans, profiles and specifications of the Engineers of the Corporation as approved of by the Provincial Board of Health, and under the supervision, and according to the directions and orders of the said Engineers, who are hereby authorized to order the necessary materials for the said work, according to plans and specifications.

(2) That the Reeve and Clerk be, and they are hereby authorized to execute on behalf of, and in the name of the Corporation, a contract for the

construction

construction of the said works with the said firms of Curran & Briggs Limited and Leo Mascioli, at the prices and on the terms stipulated in their said tender.

(3) That for the purposes aforesaid there shall be borrowed on the credit of the Corporation at large, the sum of Two Hundred Thousand Dollars, and debentures shall be issued therefor in the sums of not less than One Hundred Dollars (\$100.00) each.

(4) The Debentures shall all bear the same date, and shall be issued within two years after the passing of the By-law, and may bear any date within such two years, shall be payable, in twenty equal annual instalments during the twenty years from the time when they are issued, and the respective amounts payable in each of such years shall be as set out in Schedule "A" attached hereto, which forms part of this By-law.

(5) The Debentures shall bear interest at the rate of five and one-half per centum per annum, payable semi-annually on the 15th day of May and November in each year, and shall have coupons attached thereto for the interest payable thereon in each year during the currency thereof and as to both principal and interest shall be expressed in Canadian currency, and be made payable at the Chief Office of the Imperial Bank of Canada in South Porcupine or Toronto, in Ontario, or in Montreal, Quebec, at the option of the holder thereof.

(6) The debentures shall be signed by the Reeve and Treasurer and shall be sealed with the seal of the Corporation. The coupons shall be signed by the Treasurer and his signature to them may be written, stamped, lithographed or engraved.

(7) During the currency of the debentures there shall be raised in each year in which an instalment of principal and interest becomes due, the sum of \$16,735.80 to pay it when and as it becomes due, as set forth in Schedule "A" to this By-law.

(8) The Debentures may contain any clause providing for the registration of them authorized by law.

(9) This By-law shall take effect on the day of the final passing thereof.

Read a first, second and third time, and passed in open Council this 19th day of June, A.D. 1925.

CHAS. V. GALLAGHER, *Reeve.*

FRANK C. EVANS, *Clerk.*

Schedule referred to in foregoing By-law showing how the amount of \$200,000.00 thereby required to be raised annually by special rate is apportioned:—

Year	Principal	Interest	Total
1926.....	\$5,735 80	\$11,000 00	\$16,735 80
1927.....	6,051 36	10,684 44	16,735 80
1928.....	6,384 16	10,351 64	16,735 80
1929.....	6,735 35	10,000 45	16,735 80
1930.....	7,105 76	9,630 04	16,735 80
1931.....	7,496 53	9,239 27	16,735 80
1932.....	7,908 83	8,826 97	16,735 80
1933.....	8,343 83	8,391 97	16,735 80
1934.....	8,802 73	7,933 07	16,735 80
1935.....	9,286 93	7,448 87	16,735 80
1936.....	9,797 68	6,938 12	16,735 80
1937.....	10,336 56	6,399 24	16,735 80
1938.....	10,905 08	5,830 72	16,735 80
1939.....	11,504 83	5,230 97	16,735 80
1940.....	12,137 66	4,598 14	16,735 80
1941.....	12,805 18	3,930 62	16,735 80
1942.....	13,509 49	3,226 31	16,735 80
1943.....	14,252 48	2,483 32	16,735 80
1944.....	15,036 38	1,699 42	16,735 80
1945.....	15,863 38	872 42	16,735 80
	\$200,000 00	\$134,716 00	\$334,716 00

SCHEDULE.

SCHEDULE "B."

BY-LAW NO. 309

Providing for raising by special rate the monies required to pay the debentures authorized by By-law No. 308.

Whereas By-law No. 308 provides for raising annually during the currency of the debentures to be issued thereunder the sum of \$16,735.80 by special rate, for the purpose of retiring the same.

And whereas the area to be benefitted by the Works to be constructed thereunder comprises the eastern half of the municipality only, and

Whereas By-law No. 294 confirmed by *The Township of Tisdale Act, 1925*, provides for the levying of a special rate against all the rateable property in the western half of the municipality to retire the debentures issued thereunder, for the construction of similar works benefitting that portion of the municipality, and

Whereas it is expedient and in the interest of the municipality that the special rates to be levied under the said two above recited By-laws should be levied against only the rateable property to be benefitted by the works authorized by them respectively, and that none of the rateable property in the municipality should be levied against for both works.

Now therefore be it enacted as follows:—

During twenty years, the currency of the debentures to be issued under By-law No. 308, the sum of \$16,735.80 shall be levied and raised annually by special rate on all the rateable property in the eastern half of the municipality, namely:—

Original Lots 1 to 6, inclusive, in Concessions 1 to 6, inclusive, at the time, and in the same manner as other rates, for the purpose of retiring the debentures to be issued under the said By-law as they become payable. This By-law shall take effect on the day of the final passing thereof.

Read a first and second and third time this 19th day of June, 1925.

CHAS. V. GALLAGHER, *Reeve.*

FRANK C. EVANS, *Clerk.*

CHAPTER 133

An Act respecting the City of Toronto.

*Assented to 5th April, 1927.**Enrolable*

WHEREAS the corporation of the city of Toronto has by petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

*Power
to make
certain
grants.*

1. The following expenditures made by the council of the corporation of the city of Toronto are hereby validated and confirmed, viz.,—

- (a) A grant of \$1,500 to the Cleveland-Canada Day Local Committee;
- (b) A grant of \$500 to the St. Elizabeth Visiting Nurses' Association;
- (c) An expenditure of \$3,000 to defray the travelling expenses of a deputation to Ottawa in respect to the reduction of the tariff on automobiles.

*Grant to
Federation
for Com-
munity Ser-
vice Fund.*

2. The council of the said corporation may make a grant of \$25,000 to the Federation for Community Service Fund for the year 1927.

*1. re-
stitution of
tax sales
and needs.*

3. (1) All sales of land within the municipality of the city of Toronto made by the treasurer of the city of Toronto in the years 1923, 1924 or 1925, purporting to be made for arrears of taxes in respect to the lands so sold, are hereby validated and confirmed, and all conveyances of land so sold executed by the mayor, treasurer and clerk of the city of Toronto purporting to convey the said lands so sold to the purchaser thereof or his assigns, or to the corporation of the city of Toronto, shall have the effect of vesting the lands so sold in the purchaser or his assigns, or his or their heirs or assigns, or in the said corporation and its successors and assigns, as

the

the case may be, in fee simple, and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of said sale, or their assigns, and of all charges and encumbrances thereon, except taxes accruing after those for non-payment of which the said lands were sold.

(2) Nothing in this section contained shall affect or, Pending litigation not affected.
prejudice the rights of any person under pending litigation.

4. This Act shall come into force on the day upon which Commencement of
it receives the Royal Assent. Act.

CHAPTER 134.

An Act respecting the City of Toronto.

*Assented to 5th April, 1927.***Preamble.**

WHEREAS the corporation of the city of Toronto has by petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Power
to issue
debentures
without
assent of
electors.**

1. The council of the corporation of the city of Toronto may, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of debentures to raise the sum of \$1,910,000 for the following purposes, namely:

Toronto General Hospital, building grant....	\$600,000
Toronto Western Hospital, building grant....	300,000
Toronto East General Hospital, grant towards erection and equipment.....	150,000
Addition to Municipal Building.....	280,000
Extension of Sherbourne street sewer across water-front development.....	35,000
New eastern stables and site.....	125,000
North Toronto incinerator site.....	20,000
Toronto public library, main library extension	400,000
	<hr/>
	\$1,910,000

**Annual
amount of
\$30,000
to Art
Gallery.**

2.—(1) The council of the said corporation may make an annual grant of an amount not exceeding \$30,000 out of the current revenue of the city to the art gallery of Toronto for the maintenance and upkeep of the art gallery.

**1910, c. 119
amended.**

(2) The said council and the art gallery of Toronto may enter into an agreement to amend the agreement already existing between them, which agreement is set forth as schedule "A" to the Act passed in the first year of His

Majesty

Majesty King George the Fifth, chapter 119, so as to provide for the annual payment of an amount as provided in subsection 1 instead of the annual payment of \$5,000 set forth in such existing agreement.

(3) In addition to the grant authorized by subsection 1 ^{Further grant of \$10,000 to Art Gallery.} the said council may out of the current revenue of the city for the year 1927 make a further grant of \$10,000 for the maintenance and upkeep of the said art gallery.

(4) Subsection 2 of section 3 of the Act passed in the first year of the reign of His Majesty King George the Fifth, repealed. ^{s. 3.} chapter 119, is hereby repealed.

3. The debentures authorized to be issued by the council of the corporation of the city of Toronto by *The Winter Fair Act, 1926*, and *The Toronto Radial Railways Act, 1926*, shall not be included as part of the debt of the said corporation in estimating its borrowing powers. ^{Certain debentures included as part of debt.}

4. An Act respecting the City of Toronto passed in 1920 ^{1920, c. 144.} and chaptered 144, is amended by inserting the following as section 12a:

12a. Subject to the provisions of *The Highway Traffic Act, 1923*, and *The Public Vehicle Act, 1923*, and to ^{Power to make special trips} any amendments or regulations made to or under the said Acts, The Toronto Transportation Commission may operate public vehicles hired by a party of persons for the purpose of conveying such persons on a special trip or a special return trip from the City of Toronto to any place outside Toronto or from any place in the county of York to any place outside that county.

5. An Act respecting the City of Toronto passed in 1920 ^{1920, c. 144.} and chaptered 144, is amended by inserting the following as section 12b:

12b. Subject to the provisions of *The Highway Traffic Act, 1923*, and *The Public Vehicle Act, 1923*, and to ^{Power to operate over specific route outside Toronto.} any amendments or regulations made to or under the said Acts, The Toronto Transportation Commission may operate public vehicles from the city of Toronto to the city of Niagara Falls and return.

6. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commerce-ment of Act.}

CHAPTER 135.

An Act respecting the Village of Windermere.

Assented to 5th April, 1927,

Preamble.

WHEREAS the municipal corporation of the village of Windermere was incorporated by an Act passed by the Legislature of the Province of Ontario in the year 1924 and known as chapter 135; and whereas the municipal corporation of the said village of Windermere and many municipal electors who are owners or tenants of property in the said village, and as such entitled to vote on municipal elections of the said village, have by their petitions represented that a large proportion of the persons qualified to vote on municipal elections of the said village reside within the municipality only during the summer months, and are therefore unable without great expense, inconvenience and loss of time to vote for the election of reeve, councillors and school trustees on the date provided by *The Consolidated Municipal Act, 1922*, or upon any by-law or question submitted for the vote of the electors at a time other than during the summer months, and that the said municipal corporation of the village of Windermere and a majority of the persons entitled to vote at municipal elections of the said village of Windermere are desirous of having a day fixed during the summer months for the holding of municipal elections, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Village of Windermere Act, 1927*.

Nomination meeting and polling day fixed.

2. The meeting of the electors of the said village of Windermere for the nomination of candidates for the offices of reeve, councillors and school trustees shall be held at the school house of the said municipality annually on the last Monday in July at ten o'clock in the forenoon, and the polling, in case a poll be required, shall take place on the first Monday in August next thereafter.

3. Where a by-law of the said village requires the assent, ^{Day for voting o:} or is submitted to obtain the opinion of, the electors, the same ^{by-laws.} shall be submitted only on the date fixed for taking the poll at the annual municipal elections of the said village.

4. Save as hereinbefore provided, the provisions of *The Consolidated Municipal Act, 1922*, and amendments thereto with regard to the holding of elections, shall apply to the said village.

5. This Act shall come into force on the day upon which ^{Commencement of 1922, c. 72.} it receives the Royal Assent.

CHAPTER 136.

An Act respecting the Township of York.

Assented to 5th April, 1927

Preamble.

WHEREAS the corporation of the township of York has by its petition prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Township of York Act, 1927.*

<sup>1922 c. 139
s. 7 subs. 7.
1925 c. 121.
s. 6 subs. 2.)
amended.</sup> 2.—(1) Subsection 7 of section 3 of *An Act respecting the Township of York* passed in 1922 and chaptered 139 as enacted by subsection 2 of section 6 of *An Act respecting the Township of York* passed in 1925 and chaptered 121 is amended by striking out the word “ten” where it appears in the tenth line thereof, and substituting therefor the following words “not more than thirty” and by striking out the words “during the said period of ten years impose, levy and raise such sum as may be necessary to meet the area’s share of the said cost and interest thereon by a rate sufficient therefor on all the rateable property in the said area” where they appear in the second sentence of the said subsection and by substituting therefor the following words “during such period (not exceeding thirty years) as council may by by-law determine, impose, levy and raise such sum as may be necessary to meet the area’s share of the said cost with interest thereon, together with such other amounts as are to be charged over the area at large as hereinafter provided, by a rate sufficient therefor on all the rateable real property in the said area.”

(2) The said subsection 7 of section 3, as hereby amended shall apply to all works already commenced or constructed, but in respect of which no debentures have been issued.

<sup>Provision
for levy of
area’s share
of cost.</sup> (3) Notwithstanding anything contained in section 3 of the said Act passed in 1922 and chaptered 139 as amended,

OR

or in any other Act, where any sewers or other works have been or may hereafter be constructed and the whole or part of the cost thereof is to be borne by a defined area and not by the corporation at large, the council of the corporation of the township of York may by by-law provide that the area's share of the said cost shall be imposed, levied and raised by a rate sufficient therefor on all the rateable real property in the said area.

3. The agreement made between the corporation of the town of Weston, the corporation of the township of York and the Toronto Transportation Commission, dated the 13th day of July, 1926, as set forth in schedule "A" to this Act is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

4.—(1) All sales of lands within the township of York made prior to the 31st day of December, 1925, which purport to have been made by the corporation of the said township for arrears of taxes in respect of the lands so sold are hereby validated and confirmed, and all conveyances of lands so sold, executed by the reeve and treasurer of the said corporation purporting to convey the said lands so sold to the purchaser thereof, or his, her or their assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser or his, her, or their assigns, in fee simple, free and clear of and from all right, title and interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accrued or accruing since those for which payment whereof the said lands were sold.

(2) Subsection 1 of this section shall extend and apply to cases where the said township or any person or persons in trust for it, or on its behalf, became the purchaser or the assignee of a purchaser of lands at any such tax sale.

(3) Nothing in this section contained shall affect any action or litigation now pending, but the same may be proceeded with, and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

5. The grant of \$5,000 made by the council of the corporation of the township of York to the Beck Memorial Fund for the Queen Alexandra Sanatorium, is hereby validated and confirmed.

**By-law
No. 8665,
confirmed.**

6. By-law No. 8665 of the municipal corporation of the township of York passed on the 15th day of July, 1926, to authorize the issue of debentures to the amount of \$42,520.61 to meet the cost of the acquisition and construction of a street railway within the Lambton transportation district is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof

**By-law
No. 8890,
confirmed.**

7. By-law No. 8890 of the municipal corporation of the township of York passed on the 29th day of November, 1926, to authorize the issue of debentures to the amount of \$275,000 to meet the extra cost of construction of a sewerage system and sewerage disposal works for that portion of the municipality known as St. Clair sewerage area No. 1 is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

**By-law
No. 8955,
confirmed.**

8. By-law No. 8955 of the municipal corporation of the township of York passed on the 7th day of February, 1927, to authorize the issue of debentures to the amount of \$68,400 to meet the cost of the construction of the Hillary Avenue subway is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

**By-law
No. 8809,
confirmed.**

9. By-law 8809 of the municipal corporation of the township of York passed on the 11th day of October, 1926, to authorize the issue of debentures to the amount of \$60,000.00 to meet the cost of a purchase of a site for a high school on Jane street and to complete payment for the site for the high school on Vaughan road and to pay for the cost of additions to the said site and high school building is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

*1925, c. 121.
s. 8.
amended.*

10.—(1) Section 8 of *The Township of York Act, 1925*, is amended by inserting after the word "may" in the first line thereof the words "with the consent of the City of Toronto" and by inserting after the word "Toronto" in the second line thereof the word "either" and by inserting after the words "Kennedy avenue" in the fifth line thereof the words "Morningside avenue" and by inserting after the word "York" in the seventh line thereof the words "or that part thereof from the City limits immediately south of Bloor street southerly to the intersection of the south limit of Morningside avenue with Ellis avenue," so that the section will now read as follows,—

8. The council of the said corporation may with the consent of the city of Toronto acquire from the city of Toron-

to either that portion of the 12-inch watermain laid down by the town of Toronto Junction and which is now the property of the said city in Runnymede road, DeForest road, Kennedy avenue, Morningside avenue and Ellis avenue, from the city limits immediately south of Bloor street southerly to the south limit of the township of York or that part thereof from the city limits immediately south of Bloor street southerly to the intersection of the south limit of Morningside avenue with Ellis avenue, together with all service pipes, hydrants and stop-cocks, valves, appliances and accessories (if any), at or for a price to be agreed upon or in case of failure to agree as may be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1922*, and may construct such hydrants, stop-cocks, valves, appliances and accessories in connection therewith as may be deemed necessary to complete the same as part of the township system; and for the purpose of providing money to pay the purchase price of said watermain and accessories and for payment of the cost of construction of such hydrants, stop-cocks, valves, appliances and accessories as may be constructed it shall be deemed to be a work undertaken and constructed under the provisions of section 9 of *The Local Improvement Act* and all the provisions of the said Act shall apply for the said purpose, subject however, to any existing rights of the residents of Ellis avenue as to the supply to them of water and the rates to be charged therefor.

(2) The said section 8 as hereby amended shall be read and construed as if it had been in force on, from and after the 14th day of April, 1925.

11. This Act shall come into force on the day upon which it receives the Royal Assent. commencement of
Act.

SCHEDULE "A."

This agreement made in triplicate the 13th day of July, 1926.

BETWEEN:

THE CORPORATION OF THE TOWN OF WESTON,
hereinafter called the "Town,"

of the first part,

THE CORPORATION OF THE TOWNSHIP OF YORK,
hereinafter called the "Township,"

of the second part.

—and—

THE TORONTO TRANSPORTATION COMMISSION,
hereinafter called the "Commission,"

of the third part.

Whereas the parties hereto entered into an agreement dated the 26th day of October, 1925, for the construction and operation of certain street railways therein referred to.

And whereas the said parties have agreed that such agreement shall be modified as hereinafter set out.

Now therefore this agreement witnesseth that the parties hereto have agreed as follows:—

1. The Town and the Township shall each pay for and own all track construction done by the Commission to date within the present respective municipal limits of such municipalities.

2. Notwithstanding Clause 18 of the said Agreement, the full cost of construction of the connection referred to in Clause 20 thereof shall be borne and paid for by the Township.

3. The parties hereto agree to use their best endeavors to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

In witness whereof the parties hereto have hereunto set their corporate seals attested by the hands of their proper officers in that behalf the day and year first above written.

THE CORPORATION OF THE TOWN OF WESTON,

"GEO. SAINSBURY," *Mayor*,

"H. C. MUSSON," *Clerk*.

THE CORPORATION OF THE TOWNSHIP OF YORK,

"W. M. GRAHAM," *Reeve*,

"W. A. CLARKE," *Clerk*.

THE TORONTO TRANSPORTATION COMMISSION,

"P. W. ELLIS," *Chairman*,

"H. S. CAMERON," *Secretary*.

[SEAL]

CHAPTER 137.

An Act respecting the Township of East York.

Assented to 5th April, 1927.

WHEREAS the corporation of the township of East York has by its petition prayed for special legislation:

- (a) Amending section 5 (c) of chapter 119 of an Act passed in the fifteenth year of the reign of His Majesty King George V, and declaring such amendments to be retroactive to the date of the Act so amended;
- (b) Declaring a local improvement work initiated and undertaken pursuant to By-law number 5257 of the township of York, to have been initiated and undertaken pursuant to *The Township of East York Act, 1925*.
- (c) Authorizing the council of the corporation by by-law to fix a rate less than the amount recommended by the engineer's report prepared pursuant to By-law number 976 of the corporation of the township of East York to be assessed as an annual rate per foot frontage in satisfaction of the owners' portion of the cost of the work defined by said By-law number 976;
- (d) Authorizing the said corporation to establish and maintain a department of industries and to expend money in carrying on the work of such department;
- (e) Authorizing the said corporation to prepare separate ballot papers for municipal elections;
- (f) Authorizing the corporation of the township of East York to sell certain lands for arrears of taxes.

And whereas it is deemed expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as the *Township of East York Act, 1927*. Short title.

2.

^{1925, c. 119.}
amended.

2.—(1) Section 5 (c) of chapter 119, of an Act passed in the fifteenth year of the reign of His Majesty King George V, is amended by adding after the word "sewers" in the seventh line thereof the words "or water mains," and by adding after the word "sewers" in the ninth line thereof the words "or water mains," and after the word "sewer" in the fourteenth line thereof the words "or water mains."

^{1925, c. 119.}
amended.

(2) Section 5 (d) of chapter 119, of an Act passed in the fifteenth year of the reign of His Majesty King George V, is amended by adding after the word "sewers" in the fourth line thereof, the words "or water mains."

<sup>Amendment
made retro-
active.</sup>

(3) The provisions of subsection 1 hereof shall be deemed to have been in force on and after the 1st day of January, A.D. 1924.

<sup>Certain
work
declared to
be under
1925, c. 119.</sup>

3. The "work" undertaken by the township of East York under By-law number 5257 of the township of York, dated the 21st day of April, A.D. 1921, being the construction of a twelve-inch water main on Cosburn Avenue from Donlands Avenue to Woodbine Avenue, shall be deemed, and is hereby declared to have been initiated and constructed under and pursuant to the provisions of *The Township of East York Act, 1925*, as amended by this Act, and the cost thereof may be assessed and debentures issued therefor, pursuant to the said *The Township of East York Act, 1925*.

<sup>Power to
decrease
owners'
share of
cost.</sup>

^{1925, c. 119.}

4. Notwithstanding the recommendation of the engineer's report made pursuant to By-law number 976 of the corporation of the township of East York, dated the 24th day of September, A.D. 1926, and notwithstanding the advertisement published pursuant to said By-law number 976 and the provisions of *The Township of East York Act, 1925*, the council of the corporation of the township of East York may by by-law pursuant to section 5 (c) of *The Township of East York Act, 1925*, as amended by this Act, provide that any lesser sum than twenty three and one-half cents may be charged as an annual rate per foot frontage in satisfaction of the owners' portion of the cost of the work defined by said By-law number 976.

<sup>Power to
establish
Department
of Indus-
tries.</sup>

5. The council of the corporation of the township of East York may pass by-laws for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others, the advantages of the township as a location for industrial enterprises, residential, educational and other purposes, and may expend a sum not exceeding in any year \$3,000, in carrying on the work of the said department.

6.—(1) There shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for reeve of the township of East York, another set for all the polling subdivisions containing the names of the candidates for first deputy reeve, another set for all the polling subdivisions containing the names of candidates for second deputy reeve, another set for all the polling subdivisions containing the names of candidates for third deputy reeve, and another set for all the polling subdivisions containing the names of candidates for councillor.

Ballot papers
for councilor.

(2) There shall also be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for Hydro or public utility commissioners.

Ballot
papers for
Public
Utility
Commis-
sioners.

7. “Occupied lands” or “lands built upon” otherwise liable for sale in the year 1927, for arrears of taxes, pursuant to the provisions of *The Assessment Act*, may be sold by the corporation of the township of East York, notwithstanding the failure of the clerk of the township of East York in making out the collector’s roll of the year 1926, to add thereto, pursuant to section 129 of *The Assessment Act*, arrears of taxes then outstanding to the taxes assessed against such “occupied lands” and “lands built upon” for the year 1926.

Sale of land
for taxes
notwith-
standing
omission
from 1926
collector’s
roll, of out-
standing
taxes.

Rev. Stat., c.
195.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

CHAPTER 138.

An Act respecting the East York-Leaside Viaduct

Assented to 5th April, 1927.

Preamble.

WHEREAS the corporation of the township of East York has by its petition prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as the *East York-Leaside Viaduct Act, 1927.*

Agreement
with Town
of Leaside,
County of
York, His
Majesty the
King, and
York Land
Co., Ltd.,
confirmed.

2. An agreement made between the corporation of the township of East York, the corporation of the town of Leaside, the corporation of the county of York, His Majesty the King, represented by the Executive Government of the Province of Ontario and acting by the Minister of Public Works and Highways of the said province, and the York Land Company Limited, dated the first day of November, A.D. 1926, set out as Schedule "A" hereto, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto and upon the ratepayers of the said municipal corporations.

Agreement
with City of
Toronto,
confirmed.

3. An agreement made between the corporation of the township of East York and the corporation of the city of Toronto, dated the first day of November, A.D. 1926, set out as Schedule "B" hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof.

Certain work
declared to
be under
Rev. Stat.
c. 193.

Rev. Stat.
c. 193.

1927, c. 62.

4. The "work" undertaken by the corporation of the township of East York, pursuant to and described in the agreements referred to in sections 2 and 3 hereof, shall be deemed and is hereby declared to be a "work" within the provisions of section 50a of *The Local Improvement Act*, as enacted by 1915, chapter 35, section 8, and the provisions of *The Local Improvement Act* shall, except insofar as otherwise herein provided, apply to the "work."

5. Notwithstanding the provisions of *The Local Improvement Act*, or any by-law heretofore passed by the council of the corporation of the township of East York relative to the "work," the council of the corporation of the township of East York may by by-law assess a sum not in excess of \$135,000, upon all the rateable land in the said township owned by the Thorndale Securities Company, Limited, by a special mill rate on the assessed value of such rateable land in lieu of an equal special rate per foot frontage on the land of the said Thorndale Securities Company Limited, abutting directly on the "work" or immediately benefited by the "work."

6. By-law number 1000 of the municipal council of the corporation of the township of East York passed on the 4th day of November, A.D. 1926, providing for the "work" is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

7. The agreement made between the corporation of the township of East York and the Suydam Realty Company Limited, set out as Schedule "C" hereto, dated the 12th day of November, A.D. 1926, is hereby ratified and confirmed and declared to be legal, valid and binding upon the corporation of the township of East York and the ratepayers thereof, and the lands of the Suydam Realty Company Limited described in the said agreement shall be exempt from municipal taxation from the 1st day of January, 1927, and so long thereafter as a bridge structure is maintained thereover.

8.—(1) Subject to the provisions of section 12 hereof, and notwithstanding the provisions of *The Local Improvement Act* or any by-law heretofore passed by the council of the corporation of the town of Leaside relative to the "work" or the assessment of the part of the cost of the "work" to be borne by the corporation of the town of Leaside, the corporation of the town of Leaside may by by-law specially assess that part of the cost of the "work" agreed to be borne by the corporation of the town of Leaside against all the rateable lands within the limits of the town of Leaside, after having made the proper reductions as provided in this section according to the extent of their respective frontages by an equal special rate per foot of such frontage, sufficient to meet such part of the cost.

(2) In the case of triangular or irregularly shaped lots whether situated at corners or at the junction or intersection of streets or otherwise, a reduction shall be made in the special assessment which otherwise would be chargeable thereon, sufficient, having regard to the situation, value and

superficial area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis.

Reduction
for lots unfit
for building
purposes.

(3) Where a lot is for any reason wholly or in part unfit for building purposes, a reduction shall also be made in the special assessment which otherwise would be chargeable thereon, sufficient to adjust its assessment as compared with that of the lots fit for building purposes on a fair and equitable basis.

Mode of
reduction.

(4) The reduction shall be made by deducting from the total frontage of the lot liable to the special assessment so much thereof as is sufficient to make the proper reduction but the whole of the lot shall be charged with the special assessment as so reduced.

1927, c. 62.

(5) Subsection 4 of section 27 of *The Local Improvement Act* shall not apply to the assessment made pursuant to this section.

By-laws
Nos. 169 and
171 of Town
of Leaside,
confirmed.

9. By-law number 169 of the corporation of the town of Leaside, dated the 3rd day of November, A.D. 1926, and by-law number 171 of the corporation of the town of Leaside dated the 9th day of February, A.D. 1927, providing for the undertaking of the "work" by the corporation of the township of East York, and the assessment to be made by the corporation of the town of Leaside to provide for its part of the cost of the "work" are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Power
to Town
of Leaside
to issue
debentures
without
assent of
electors.
1927, c. 62.

10. Notwithstanding the provisions of section 57 of *The Local Improvement Act*, the corporation of the town of Leaside may, without the assent of the electors, pass a by-law or by-laws to borrow money by the issue of debentures payable within a period not exceeding thirty years from the issue thereof to meet its part of the cost of the "work."

Power
to Town
of Leaside
to borrow
money.

11. The corporation of the town of Leaside may by by-law agree with any bank or person for temporary advances to meet its part of the cost of the "work" pending the completion of the "work," and the provisions of this section shall apply to all borrowings by the said corporation for the purposes aforesaid, whether before or after the passing of this Act.

Liability
for money
borrowed not
affected.
Rev. Stat.
c. 193.

12. Any proceedings taken pursuant to this Act either in addition to or in lieu of proceedings heretofore taken under *The Local Improvement Act* shall not affect in any way the liability of the corporation of the town of Leaside to repay any moneys heretofore borrowed by it pursuant to the provisions

of *The Local Improvement Act*, from any banker or person by way of temporary advances to meet its part of the cost of the "work."

13. The lands owned by the city of Toronto situate within the town of Leaside while so owned shall be exempt from assessment in respect of any portion of the cost of the "work." Certain lands owned by City of Toronto, exempted.

14. It shall not be necessary for the corporation of the township of East York, the corporation of the town of Leaside, or the corporation of the county of York, to submit for the assent of the electors any by-law relative to the "work" passed pursuant to the provisions of this Act, or *The Local Improvement Act*. Assent of electors not required. 1927, c. 62.

15. The corporation of the township of East York and the corporation of the town of Leaside may exercise the powers conferred by this Act notwithstanding that the "work" has already been commenced, and notwithstanding anything heretofore done pursuant to *The Local Improvement Act* in Rev. Stat. connection with the "work" or the assessment of its part of the cost thereof; and the provisions of sections 7, 11, 13 and subsections 2, 3 and 4 of section 9 of *The Local Improvement Act* shall not apply to any proceedings taken pursuant to this Act. Work commenced may be continued under this Act. 1927, c. 193.

16. The council of the corporation of the city of Toronto may, without assent of the electors qualified to vote on money by-laws, pass a by-law or by-laws for an issue of debentures to raise the amount required to be paid to the corporation of the township of East York, under the provisions of the said agreement, set out as Schedule "B" hereto. Power to City of Toronto to issue debentures without assent of electors.

17. The corporation of the county of York may by by-law grant the sum of \$100,000 to meet its part of the cost of the "work," and without the assent of the electors may pass a by-law or by-laws to borrow \$100,000 by the issue of debentures payable within a period not exceeding thirty years from the issue thereof to pay such grant. Power to County of York to make grant and issue debentures without assent of electors.

18. All rates levied pursuant to the provisions of this Act shall be deemed to be local improvement rates for the purpose of section 297 of *The Consolidated Municipal Act, 1922*, and no rate levied pursuant to this Act shall be deemed to be included in the rate of two and one-half cents on the dollar referred to in that section for the purpose of determining whether the council of any municipal corporation mentioned in this Act may contract any further debts, and any debt may be contracted pursuant to the provisions of this Act, notwithstanding the limitation prescribed by section 297. Rates to be deemed local improvement rates. 1922, c. 72.

W.C. 601

1927, c. 62.

not to apply.

19. Wherever the provisions of this Act are inconsistent with the provisions of *The Local Improvement Act*, the provisions of this Act shall apply to the "work."

Commencement
of
Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

THIS AGREEMENT

made as of the First day of November, A.D. 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK (hereinafter called "East York")

of the First Part.

THE CORPORATION OF THE TOWN OF LEASIDE (hereinafter called "Leaside")

of the Second Part.

THE CORPORATION OF THE COUNTY OF YORK (hereinafter called "York County")

of the Third Part.

HIS MAJESTY THE KING, represented herein by the executive government of the Province of Ontario and acting by the Minister of Public Works and Highways of the said Province (hereinafter called "The Province")

of the Fourth Part.

AND

YORK LAND COMPANY, LIMITED, a company incorporated under the laws of the Province of Ontario (hereinafter called "York Land Company")

of the Fifth Part.

Whereas the parties hereto consider it necessary that a viaduct should be constructed across the Don Ravine separating the Township of East York and the Town of Leaside, which Viaduct shall connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside and which viaduct shall consist partly of a steel and concrete bridge structure having a roadway thereon forty-four feet in width and two sidewalks each six feet in width, on the level of the high banks and designed to carry double track electric railway, and partly of a graded approach, in the Township of East York and in the Town of Leaside consisting of cut and fill, the top of the fill and the bottom of the cut to be sixty-six feet in width and to be drained permanently, paved and protected by handrail where necessary having an approximate length of 3,070 feet and a subway under the Canadian Pacific Railway Company's right-of-way in the Town of Leaside. Such Viaduct is hereinafter referred to as "THE WORK."

And whereas by an agreement bearing even date herewith, annexed hereto as Schedule One, made between the Corporation of the Township of East York and the Corporation of the City of Toronto, the said City has agreed upon the terms and conditions therein set out, to contribute to the cost of the work, an amount not exceeding \$200,000.00.

And

And whereas the work would be to the benefit of the parties hereto, the City of Toronto, and the travelling public generally and the parties hereto have agreed to contribute the amounts hereinafter set out towards payment of the cost of construction of the work.

And whereas the Corporation of the Township of East York and the Corporation of the Town of Leaside have, by by-law, determined that such work as aforesaid should be constructed as a local improvement under Section 50a of the Local Improvement Act, and that the construction thereof should be undertaken by the said Township of East York as the initiating municipality, the cost thereof after deduction of the contributions herein set out, and from the Corporation of the City of Toronto, to be borne by the said Township of East York and the said Town of Leaside as hereinafter set out.

And whereas it has been agreed that East York shall proceed forthwith to carry out such explorations as may be required in connection with the work and shall undertake the construction of the work.

And whereas at the instance of the parties hereto and the Corporation of the City of Toronto a Committee has been formed for the purpose of furthering the carrying out of the work, such Committee being hereinafter referred to as the "Bridge Committee."

Now therefore this agreement witnesseth, that in consideration of the mutual terms, covenants, and conditions herein contained each of the parties hereto agrees and covenants with each of the others and the other of them as follows:

1. East York shall proceed forthwith to take all necessary action and assume all necessary liability to construct and complete the work, subject to any Order of the Board of Railway Commissioners for Canada requiring the said Subway to be constructed by the Canadian Pacific Railway or any other Corporation or person, in which event East York shall be liable for such part of the cost of the subway as shall not be borne by the said Railways or either of them or provided from the Grade Crossing Fund, provided, however, that if upon tenders being received for the construction of the work, it is determined by a resolution of the Council of East York, that the work cannot be constructed at a total cost of not more than \$975,000.00, East York shall be entitled to notify the other parties hereto that it is unwilling to continue further with the construction of the work and upon such notification being given there shall be no further obligation on East York to continue with the construction of the work and in such event each of the parties hereto, other than East York, shall contribute to the cost of the work so far undertaken by East York incurred to the date of such notice, with the approval of the Bridge Committee, the proportion thereof which the amount agreed hereinafter to be contributed by each bears to the sum of \$975,000.00.

2. Notwithstanding anything in this agreement contained the plans and specifications for the work, the necessary exploration work in connection therewith, and the calling for and awarding of tenders for the construction of the work and the contracts therefor shall be subject to the recommendation of the Bridge Committee. The Bridge Committee shall be constituted and governed by the provisions set out in Schedule 2 hereto.

3. Engineers and solicitors for carrying out the work shall be appointed by East York on the recommendation of the Bridge Committee and all engineering, legal and all other expenses of any kind incidental to the carrying out of the work shall be paid by East York and charged to the cost of such work.

4. From time to time, on demand by East York supported by progress certificates of the Engineer for the work, each of the parties hereto, other than East York (hereinafter called the Contributing Parties) will pay to East York the proportion of the cost shown by such progress certificates, which the amount agreed to be contributed by each bears to \$975,000.00, not exceeding in any event the respective amounts set opposite the name of each contributing party hereto, which amount each respectively agrees to pay (subject however to the proviso in this paragraph contained).

Leaside.....	\$200,000.00
York County.....	100,000.00
The Province.....	125,000.00
York Land Company.....	150,000.00

Provided, however, that notwithstanding anything in this agreement contained, the amount to be contributed by the Contributing Parties shall be varied as hereinafter provided in all or any of the following events, namely:

- (a) If the cost of constructing the said subway or any part of such cost be borne by the Canadian Pacific Railway Company and/or The Canadian National Railway, (for convenience, the amount, if any, to be borne by the said railways, or either of them, in this event is hereinafter referred to as the "Railway Contribution"), and/or
- (b) If the sum of \$975,000.00 is greater than the actual total cost of the work, including the cost of the said subway (for convenience, the amount, if any, by which the sum of \$975,000.00 is greater than such actual total cost of the work is hereinafter referred to as the "Total Cost Reduction") and/or
- (c) If any moneys be made available for the construction of the said work from the Grade Crossing Fund in accordance with the provisions in that behalf of the Railway Act, 1919, being Chapter 68 of the Statutes of Canada, 9-10 George V., (for convenience, the amount, if any, which may be made available from the said fund is hereinafter referred to as the "Grade Crossing Contribution").

The said variations shall be as follows:—

- (a) If there be a "Railway Contribution" and/or a "Total Cost Reduction" and/or a "Grade Crossing Contribution," then if the aggregate of the amounts thereof, or any of them, is less than the sum of \$50,000.00, the contribution of Leaside shall be reduced by the amount of such aggregate but if such aggregate exceed the sum of \$50,000.00 then the contribution of Leaside shall be reduced by the amount of \$50,000.00.
- (b) If there be a "Total Cost Reduction" then, if the aggregate of the amount thereof and of the amount of the "Railway Contribution," if any, and/or the "Grade Crossing Contribution," if any exceeds the sum of \$50,000.00 (referred to in Clause A) then, to the extent of the excess of such aggregate over \$50,000.00 the contribution to be made by each of the Contributing Parties (including Leaside) shall be reduced by the proportion of such excess which the amount agreed to be contributed by each bears to \$975,000.00. For this purpose the amount agreed to be contributed by Leaside shall be deemed to be \$150,000.00.
- (c) If the construction of the work shall be undertaken by East York and there shall be no "Total Cost Reduction," but there shall be a "Railway Contribution" and/or a "Grade Crossing Contribution" then and in such case the Contributing Parties hereto (Except Leaside to the extent of \$50,000.00 aforesaid) shall not be entitled to have their respective contributions reduced unless the aggregate of the "Railway Contribution," (if any) and/or the "Grade Crossing Contribution" (if any) exceeds the said sum of \$50,000 plus the amount by which the total cost of the work is greater than the sum of \$975,000, but in such case the contributions of the Contributing Parties (including Leaside) shall be reduced by the proportion of the amount of such excess which the amount agreed to be contributed by each bears to \$975,000.00. For this purpose the amount agreed to be contributed by Leaside shall be deemed to be \$150,000.

- 5. Each of the parties hereto acknowledges having read the agreement between East York and the Corporation of the City of Toronto, Schedule One hereto, and approves the execution thereof by East York, and in so far as East York is or may be rendered liable by Clause 8 thereof for payment of any amount at any time to the Corporation of the City of Toronto by reason of any act or thing done by any of the parties hereto, such party hereby covenants to indemnify and save harmless East York from any loss, or expense, arising therefrom.

6. Inasmuch as it is desirable, having regard to the necessity for the sale of securities, to raise money for the construction of the work, each of the parties hereto, agrees that it will use its best endeavours to obtain the passing of an Act of the Legislature of Ontario at the next session of such Legislature, authorizing each of the parties hereto and the Corporation of the City of Toronto, to do all things necessary for the carrying out of this agreement and the work herein partly described, and validating this agreement and all acts done or work performed hereunder and authorizing the issue of debentures where necessary by the respective parties hereto to defray their contribution to the cost of such work.

In witness whereof the parties hereto have hereunto affixed their corporate seals and the respective signatures of their proper officers.

Signed, Sealed and Delivered }
in the presence of }

Schedule "I"

referred to in annexed agreement.

THIS AGREEMENT

made in duplicate the 1st day of November, 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter called "The Township"

of the First Part.

AND

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City"

of the Second Part.

Whereas the Township proposes to undertake and/or procure the construction of a viaduct and works necessary thereto across the Don Ravine separating the Township of East York and the Town of Leaside to connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside;

And whereas the said Viaduct and works will among other things include the following structures, namely:—

(a) A steel and concrete bridge at least fifty-six feet in width across the said Ravine to be constructed at the level of the high banks on either side of said Ravine and designed and constructed to carry a double track electric railway;

(b) Graded thoroughfares and approaches to said bridge to be constructed partly in the Township of East York and partly in the Town of Leaside, having a horizontal width of sixty-six feet;

(c) A subway sixty-six feet in width under the right-of-way of the Canadian Pacific Railway Company in the Town of Leaside, with the approaches thereto.

The said bridge, graded thoroughfares and approaches, and subway and approaches to have constructed thereon a paved roadway forty-four feet in width and two concrete sidewalks six feet in width, all to be properly drained and, wherever necessary, protected by a hand-rail, and the bridge and subway to be properly lighted;

And whereas the estimated cost of constructing the said viaduct and works is \$975,000;

And

And whereas the Township has requested the City to bear a portion of the cost of the said viaduct and works and the City has agreed to do so subject to the provisions of this agreement.

Therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreements herein contained the parties hereto have agreed as follows—

1. In the event of the said viaduct and works being constructed the City will pay to the Township the sum of \$200,000, provided always that if the cost of the said viaduct and works is less than \$975,000 the City will only pay to the Township such sum as bears the same proportion to the said cost that \$200,000 bears to \$975,000.

2. Payment by the City as hereinbefore provided shall be made as follows, namely:

The Township will, as the construction of the said viaduct and works proceeds and is completed, furnish to the City progress certificates and final certificates, signed by the Engineer in charge of the work, the Consulting Engineer and the Treasurer of the Township, showing the net amounts expended from time to time on account of the cost of the said viaduct and works, and the City will thereupon pay to the Township a part, proportioned as above set out in paragraph 1, of the amounts shown by such certificates to have been so expended. The total of all such payments by the City not to exceed \$200,000.

3. The total of any amounts received from the Canadian Pacific Railway Company, the Canadian National Railway Company and/or from the Railway Grade Crossing Fund in respect to the cost of the viaduct and works or any part thereof, shall in so far as such total exceeds \$50,000 be deducted from the cost of the said viaduct and works for the purpose of determining the amount of the cost of which the City is to pay its said proportion.

4. In the event of the Township proceeding with the construction of the said viaduct it will cause the construction thereof to be completed with as little delay as possible.

5. Should the Township upon receiving tenders for the construction of the said viaduct and works decide not to proceed with the construction thereof, the City will, upon presentation to it of accounts certified by the Township Treasurer, pay to the Township a part of the expenditure of the Township for engineers' fees and land borings, which said part shall bear the same proportion to the amount so expended as \$200,000 bears to \$975,000.

6. Should the Township not award contracts for the construction of the said viaduct and works on or before the first day of June, 1927, then this agreement and the rights of the parties hereto under same shall terminate as of that date.

7. In the event of the work being proceeded with, the Township covenants and agrees that the said Viaduct and works shall be designed, constructed and completed in accordance with the best modern practice and in a manner satisfactory and acceptable to every public body or tribunal whose acceptance or approval is required by law.

8. It is further agreed that lands owned by the City situate within the Township of East York shall not be liable or charged with any assessment or taxation in respect to the cost of the said viaduct and works or any part thereof, and that the City shall not be liable to directly or indirectly pay any part of the cost of the said viaduct and works or any part thereof, except as hereinbefore set forth.

9. This agreement is to take effect upon the passing of legislation ratifying and confirming this agreement and authorizing the City to issue debentures, without the assent of the electors qualified to vote on money by-laws, to raise the proportion of the cost of the said viaduct and works to be contributed by the City and both parties hereto will endeavour to secure the passing of such legislation at the next session of the Legislature of the Province of Ontario.

Schedule "2"

referred to in the agreement.

**CONSTITUTION AND POWERS OF THE BRIDGE COMMITTEE
THEREIN REFERRED TO**

1. There shall be a Committee called the "Bridge Committee" consisting of not more than eighteen members and each of the parties hereto and the Corporation of the City of Toronto shall have the right to nominate not more than three members of such committee. Each member shall have one vote. Six members shall constitute a quorum for the transaction of business and such Committee may act at a meeting at which a quorum is present.
2. The Committee shall elect its Chairman and may make regulations with respect to the calling of its meetings, and its procedure generally. Any vacancy which may occur in the Committee shall be filled by the party hereto who appointed the person whose place on the Committee has become vacant.
3. Minutes of the proceedings of the committee shall be kept in a book provided for that purpose which shall always be open for the inspection of the duly authorized representative of any of the parties hereto. The Committee may appoint a Secretary to the Committee who need not be a member of the Committee.
4. The Committee shall recommend to East York the preliminary expenditure in connection with the construction of the work and the plans, specifications and estimates to be adopted, for the work and the calling and awarding of tenders for the construction of the work.
5. The Committee shall also recommend to East York the appointment of the Engineers and solicitors for the work.
6. The Committee shall also recommend to East York settlements for land damages and other disbursements incidental to the construction of the work not included above.
7. The Committee shall also recommend to East York any contracts in connection with the construction of the work.
8. The powers of the Committee shall be exercised by a majority of the votes of the members present at any meeting and in the event of a tie the Chairman shall cast the deciding vote.

SCHEDULE "B."

THIS AGREEMENT

made in duplicate the First day of November, 1926.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter called the "Township" of the First Part.

AND

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called the "City" of the Second Part.

Whereas the Township proposes to undertake and/or procure the construction of a viaduct and works necessary thereto across the Don Ravine separating the Township of East York and the Town of Leaside to connect Pape Avenue and Donlands Avenue in the Township of East York with Laird Drive in the Town of Leaside;

And

And whereas the said Viaduct and work will among other things include the following structures, namely,—

(a) A steel and concrete bridge at least fifty-six feet in width across the said Ravine to be constructed at the level of the high banks on either side of said Ravine and designed and constructed to carry a double track electric railway;

(b) Graded thoroughfares and approaches to said bridge to be constructed partly in the Township of East York and partly in the Town of Leaside, having a horizontal width of sixty-six feet;

(c) A subway sixty-six feet in width under the right-of-way of the Canadian Pacific Railway Company in the Town of Leaside, with the approaches thereto.

The said bridge, graded thoroughfares and approaches, and subway and approaches to have constructed thereon a paved roadway forty-four feet in width and two concrete sidewalks six feet in width, all to be properly drained and, wherever necessary, protected by a hand-rail, and the bridge and subway to be properly lighted;

And whereas the estimated cost of constructing the said viaduct and works is \$975,000;

And whereas the Township has requested the City to bear a portion of the cost of the said Viaduct and works and the City has agreed to do so subject to the provisions of this agreement.

Therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreements herein contained the parties hereto have agreed as follows—

1. In the event of the said viaduct and works being constructed the City will pay to the Township the sum of \$200,000 provided always that if the cost of the said viaduct and works is less than \$975,000 the City will only pay to the Township such sum as bears the same proportion to the said cost that \$200,000 bears to \$975,000.

2. Payment by the City as hereinbefore provided shall be made as follows, namely,—

The Township will, as the construction of the said viaduct and works proceeds and is completed, furnish to the City progress certificates and final certificates, signed by the Engineer in charge of the work, the Consulting Engineer and the Treasurer of the Township, showing the net amounts expended from time to time on account of the cost of the said viaduct and works, and the City will thereupon pay to the Township a part, proportioned as above set out in paragraph 1, of the amount shown by such certificates to have been so expended. The total of all such payments by the City not to exceed \$200,000.

3. The total of any amounts received from the Canadian Pacific Railway Company, the Canadian National Railway Company and/or from the Railway Grade Crossing Fund in respect to the cost of the viaduct and works or any part thereof, shall in so far as such total exceeds \$50,000 be deducted from the cost of the said viaduct and works for the purpose of determining the amount of the cost of which the City is to pay its said proportion.

4. In the event of the Township proceeding with the construction of the said viaduct it will cause the construction thereof to be completed with as little delay as possible.

5. Should the Township upon receiving tenders for the construction of the said viaduct and works decide not to proceed with the construction thereof, the City will, upon presentation to it of accounts certified by the Township Treasurer, pay to the Township a part of the expenditure of the

Township for engineers' fees and land borings, which said part shall bear the same proportion to the amount so expended as \$200,000 bears to \$975,000.

6. Should the Township not award contracts for the construction of the said viaduct and works on or before the First day of June, 1927, then this agreement and the rights of the parties hereto under same shall terminate as of that date.

7. The Township covenants and agrees that in the event of the work proceeding the said viaduct and works shall be designed constructed and completed in accordance with the best modern practice and in a manner satisfactory and acceptable to every public body or tribunal whose acceptance or approval is required by law.

8. It is further agreed that lands owned by the City situate within the Township of East York shall not be liable or charged with any assessment or taxation in respect to the cost of the said viaduct and works or any part thereof, and that the City shall not be liable to directly or indirectly pay any part of the cost of the said viaduct and works or any part thereof, except as hereinbefore set forth.

9. This agreement is to take effect upon the passing of legislation ratifying and confirming this agreement and authorizing the City to issue debentures, without the assent of the electors qualified to vote on money by-laws, to raise the proportion of the cost of said viaduct and works to be contributed by the City and both parties hereto will endeavor to secure the passing of such legislation at the next session of the Legislature of the Province of Ontario.

In witness whereof the parties hereto have hereunto set their Corporate Seals by the hands respectively of the Reeve and the Treasurer of the Township of East York and the Mayor and Deputy Treasurer of the City of Toronto.

R. H. McGREGOR,
Reeve [SEAL]

H. E. GODDARD,
Township Treasurer

THOMAS FOSTER,
Mayor [SEAL]

H. REBURN,
Deputy City Treasurer

SCHEDULE "C"

THIS AGREEMENT

made in duplicate this twelfth day of November, A.D. 1926,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF EAST YORK, hereinafter called the "Corporation"
of the First Part.

AND

SUYDAM REALTY COMPANY LIMITED, hereinafter called the "Company"
of the Second Part.

Whereas by a conveyance bearing even date herewith, the Company has granted to the Corporation without payment of other than a nominal sum, an easement over certain lands of the Company therein described.

And

And whereas as part of the consideration for such conveyance, the Corporation has agreed to exempt the lands of the Company therein and hereinafter described, from taxation.

Now therefore this agreement witnesseth that in consideration of a conveyance from the Company to the Corporation bearing even date herewith of an easement as therein described (the receipt whereof is hereby acknowledged) and the sum of One Dollar, the Corporation hereby covenants to and with the Company to exempt from municipal taxation, from the first day of January, 1927, and so long thereafter as a bridge structure is maintained thereover, the following lands:

All and Singular that certain parcel or tract of land and premises situate, lying and being, in the Township of East York, in the County of York and Province of Ontario, containing by admeasurement one-half acre, more or less, and being composed of part of the east half of lot Eleven (11) in the Third Concession from the Bay, in the Township of East York, and further described as part of Block "L" according to a plan deposited in the Registry Office for the Registry Division of the East and West Ridings of the County of York as deposit plan 420, and which said parcel may be more particularly described as follows:

Commencing at a point in the northerly limit of the original road allowance between Concession Two and Three in the said Township of East York (now closed), and being in the Northerly limit of a plan registered in the office of the Land Titles for the County of York, as Number M. 444, said point being distant seventy-nine feet five and one-half inches ($79' 5\frac{1}{2}''$) measured Easterly thereon from the North-west angle of Lot Number 48, according to said plan Number M. 444.

Thence North twenty-two degrees eleven minutes West ($N. 22^\circ 11' W.$) three hundred and twenty-six feet and one inch ($326' 1''$) to a point where it is intersected by the fence forming the Northerly limit of Block "L" according to said Deposit plan 420.

Thence North sixty-six degrees and nine minutes East ($N. 66^\circ 9' E.$) along said fence line sixty-six feet and one-half inch ($66' 0\frac{1}{2}''$) to a point.

Thence South twenty-two degrees and eleven minutes east ($S. 22^\circ 11' E.$) three hundred and thirty-four feet two inches ($334' 2''$) to a point in the northerly limit of said Plan M. 444.

Thence South seventy-four degrees fifty-three minutes West ($S. 74^\circ 53' W.$) along the said northerly limit sixty-six feet six inches ($66' 6''$) to the point of commencement.

The Corporation hereby covenants and agrees with the Company that the Corporation will apply to the next session of the Legislature of the Province of Ontario for private legislation enabling the Corporation, in so far as it may not now have authority, to exempt the lands of the company hereinbefore described, from municipal taxation.

This agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

In witness whereof the parties hereto have hereunto subscribed their Corporate Seals and the signatures of their respective proper officers.

Signed, Sealed and Delivered |
in the presence of |

R. H. McGREGOR,
Reeve.

[SEAL]

H. E. GODDARD,
Clerk.

CHAPTER 139.

An Act respecting the Township of North York.

Assented to 5th April, 1927.

WHEREAS the corporation of the township of North York has by its petition prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Township of North York Act, 1927.* Short title.

2.—(1) Subject to subsection 2 of this section, all sales of land within the township of North York made prior to the 31st day of December, 1925, which purport to have been made by the treasurer of the said township of North York for arrears of taxes levied on the lands so sold, and for which tax deeds have been executed and delivered by the reeve and treasurer of the said township of North York, are hereby validated and confirmed and all tax deeds of the lands so sold shall vest the said lands in the purchaser, his heirs and assigns in fee simple, free and clear of and from all title or interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns and all charges or encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

(2) Nothing in this section contained shall affect any action pending or other proceeding now pending, and such action or other proceeding may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act has not been passed.

3. By-law Number 382 of the township of North York passed by the council on the 19th day of July, 1926, to establish and regulate a market within the township of North York and set out as Schedule "A" hereto, is confirmed and

declared

declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

By-law
No. 418
confirmed.

4. By-law Number 418 of the township of North York passed by the council on the 10th day of January, 1927, to authorize the borrowing of \$17,303.75 upon debentures to pay for the construction of watermains in Water Area Number 2 of the said township is hereby confirmed and declared to be legal, valid and binding upon the corporation of the township of North York and upon the property liable for any rate or assessment imposed by or under the authority of the said by-law.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A".

BY-LAW NO. 382.

TOWNSHIP OF NORTH YORK.

Whereas it is expedient to establish a market in the Township of North York and to provide rules and regulations relating to the management of the said market.

Therefore the Council of the Corporation of the Township of North York enacts as follows:

1. The public market in the Township of North York shall be named and designated "The York Market, Yonge Street."

2. The following shall be the limits of the said market: Commencing at a point on the north limit of the city of Toronto 1,000 feet west of the west limit of Yonge Street; thence easterly following the north limit of the City of Toronto to a point 600 feet east of the east limit of Yonge Street; thence northerly parallel to Yonge Street to the north limit of 20th Avenue east; thence westerly along the north limit of 20th Avenue East and 20th Avenue West to a point 1,000 feet west of the west limit of Yonge Street; thence south parallel to Yonge Street to the point of commencement.

Provided always that any part of the said market which may be in or upon any of the streets or lanes of the said Township shall at all times subsidiary to the use of the lanes, streets or thoroughfares respectively and shall be so used as not to wholly or seriously obstruct traffic therein.

3. The Council of the Township of North York, upon the recommendation of the York County Market Committee, shall appoint an officer to be known as the Superintendent of the York Market, whose duties shall be:

(a) To allocate and rent by the day or week or month, as may seem meet, the counters constructed for the use of producers, gardeners and farmers who desire to retail their produce.

(b) To classify and confine to its individual section each branch of trade.

(c) To prevent encroachment by those who may attempt to take advantage of the facilities offered without paying a rental therefor.

(d)

(d) To see that standard weights and measures are observed and, in the event of dispute as to same, to decide between the parties.

(e) To have general oversight of the staff engaged; direction of the traffic and internal arrangements; to collect the rentals from the stalls and counters and to pay the same over to the Township Treasurer weekly.

4. The York Market shall be used only by farmers or producers of garden, farm or dairy products. All produce offered for sale on the said market shall be produced in Canada and at least seventy-five per cent. of the produce offered for sale by each person using the said market shall be produced by the person offering same for sale.

5. The Superintendent may assign a place for the day in the said market to any person entitled to use the same.

6. The market shall be opened at eight o'clock in the morning and shall close at five o'clock in the afternoon on such days except Sundays, as the Superintendent may direct, but the Superintendent may, if he sees fit, direct that the said market be kept open later than five o'clock in the afternoon.

7. Every person selling meat or articles of provision by retail, whether by weight or count or measure, shall provide himself with scales, weights and measures, regularly stamped, marked and duly adjusted by the Inspector of weights and measures.

8. Every person who sells, attempts to sell or expose for sale any article or articles of provision in the said market by light weight, short amount or short measurement, shall be subject to the penalties of this by-law and in addition to the said penalties all such articles of provision shall be forfeited to the Inspector of Markets and the article or articles so forfeited shall be given to such charity or to such charitable institutions as may be directed by the Reeve of the Township.

9. No person having any stall or counter in any of the markets shall sublet the same or place or leave anyone therein in pretence of taking charge of the same without having first obtained leave in writing from the Superintendent of the market.

10. No person shall place or cause or permit to be placed in any of the open spaces within the boundaries of the said market any baggage, table, chair or any other article whatever which may be calculated to obstruct the free use of the same, without first having obtained leave in writing from the Superintendent.

11.—(1) No market fees shall be charged but the following rental shall be collected for the use of counter space 3 feet 6 inches in length by the width of the counter in the building erected in the said market:

(a) For residents of the County of York, 25 cents per day.

(b) For non-residents of the County of York, 50 cents per day.

(2) All rental for counter space in the said building shall be paid to the Superintendent of the market in advance:

(3) The Superintendent may rent said space by the month and in that case the rental, calculated at the rates mentioned in Paragraph (1) of this section, shall be paid monthly in advance.

12. If counter space is not occupied by the person renting the same before the hour of nine o'clock in the morning such space may be re-assigned by the Superintendent for the day to some other farmer or producer.

13. All persons using space in the said market shall remove all refuse immediately after the closing of the market for the day and leave such space in a clean, sanitary condition satisfactory to the Superintendent.

14. The Chief Constable and the Sanitary Inspector of the Township of North York shall be the Inspector of Markets and it shall be his duty to enforce all the provisions of this by-law.

15. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding Fifty Dollars exclusive of costs.

16. This by-law shall come into force on the day of the final passing thereof.

Passed this 19th day of July, 1926.

(Sgd.) R. F. HICKS,
Reeve.

H. D. GOODE,
Clerk.

CHAPTER 140.

An Act respecting the Hamilton Street Railway Company.

Assented to 5th April, 1927.

WHEREAS the corporation of the city of Hamilton and Preamble. the Hamilton Street Railway Company have by petition represented that the said company operates an electric railway in and about the city of Hamilton in the Province of Ontario; that the corporation of the city of Hamilton and the said company have executed the agreement set forth in Schedule 1 hereto; that the said agreement received the assent of the electors of the said city on the 19th day of May, 1926; that the corporation of the city of Hamilton, the Hamilton Cataract Power, Light and Traction Company, Limited, and the said company have executed the agreement set forth in Schedule 2 hereto; that the corporation of the city of Hamilton and the said company have executed the agreement set forth in Schedule 3 hereto, which said agreement is referred to in Schedule 1 hereto; and whereas it is desirable and in the interests of the said corporation of the city of Hamilton and of the Hamilton Street Railway Company that such agreements and the by-laws authorizing the same should be validated and confirmed and that the said corporation should be empowered to carry out the terms of the said agreements, and that the said agreements be declared legal and binding upon the parties thereto; and whereas the said corporation and the said company have by their petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hamilton Street Railway Company Act, 1927.* Short title.

2. By-law 3336 of the corporation of the city of Hamilton dated the 25th May, 1926, set forth as schedule 1 hereto is confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length

By-law 3336
confirmed.

and

and the provisions thereof enacted in this Act; and the said corporation is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the said corporation for the full and proper carrying out of the provisions of the said agreement, and where jurisdiction respecting any of the matters mentioned in said agreement is now or may hereafter be vested in the police commissioners of the said city, or any other authority, such powers as may be necessary to enable the council to carry out the provisions of the said agreement shall be exercised by the council of the said corporation instead of the said commissioners or other authority.

By-law 3337 confirmed.

3. By-law 3337 of the corporation of the city of Hamilton dated the 25th May, 1926, set forth as schedule 2 hereto is confirmed and declared to be legal, valid and binding.

By-law 2622 confirmed.

4. By-law 2622 of the corporation of the city of Hamilton dated the 28th February, 1922, set forth as schedule 3 hereto is confirmed and declared to be legal, valid and binding.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE 1.

BY-LAW No. 3336.

To authorize the Execution of an Agreement Between the Corporation of the City of Hamilton and the Hamilton Street Railway Company.

The Municipal Council of the Corporation of the City of Hamilton enacts as follows:—

1. That the proposed Agreement, dated the 25th day of May, 1926, between the Corporation of the City of Hamilton, of the one part, and the Hamilton Street Railway Company, of the other part (a true copy whereof is set out in Schedule "A" to this By-law), is hereby approved and authorized.

2. The Mayor and the Clerk of the Corporation are hereby respectively authorized and directed to execute the said Agreement on behalf of the Corporation, and the Clerk shall affix the Corporate seal thereto.

PASSED this 25th day of May, 1926.

S. H. KENT,
City Clerk.

FREEMAN F. TRELEAVEN,
Mayor.

SCHEDULE "A".

AGREEMENT dated the 25th day of May, 1926.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called the "City"),

—and—

of the first part,

THE HAMILTON STREET RAILWAY COMPANY
(hereinafter called the "Company"),

of the second part;.

WITNESSETH that the parties hereto have agreed as follows:—

INTERPRETATION.

1. In this Agreement, unless the context shall otherwise require, the words,

(a) "Board" or "Railway Board" shall mean and include "The Ontario Railway and Municipal Board," or any other body subject to Provincial jurisdiction, that may at any time hereafter have either in whole or in part the powers of such Board.

(b) "Transportation System" shall mean any system to be operated solely by the Company for the operation of electric cars, either on metal tracks or without tracks, or for the operation of motor omnibuses by gasoline, electricity or other powers, except the force of animals, and any system for the operation of vehicles for the carriage of passengers, approved by the Council of the City or the Board, but shall not include vehicles chartered for special trips, such as cabs and taxi-cabs, nor shall it include vehicles licensed by the Department of Public Highways, or vehicles over which the Council has no control.

2. All written Agreements, By-laws and Statutes governing the relations between the parties hereto, and the powers of the Company, in so far as they are in force and effect, shall remain in full force and effect, except in so far as they are, or may become, inconsistent with or altered by, or under the terms of this Agreement, and such agreements, by-laws and statutes, and this agreement shall apply to such transportation system, but the provisions respecting paving and repairs shall apply only to streets upon which tracks of street railway are laid, or may hereafter be laid.

COMPANY TO PROVIDE MODERN TRANSPORTATION SYSTEM.

3. The Company shall provide a modern and efficient street railway and transportation system, including everything pertaining to it and its operation, and shall at all times during the term of this Agreement keep the same in a proper and efficient condition of maintenance and repair so as to give a rapid, sure and efficacious service in accordance with the intention of By-law No. 624 and amendments thereto, respecting the Company and this Agreement;

AND without in any way restricting the general application of the foregoing provisions, the Company shall carry out in the years specified herein the improvements as shown in the following schedule:

1st Year, expiring May 1st, 1927—24 new cars; 8 new omnibuses; reconstruction of King Street tracks from Catharine Street to Sanford Avenue. The said omnibuses to be put in operation on or before the 15th August, 1926.

2nd Year, expiring May 1st, 1928—12 new cars; 4 new omnibuses or cars; 1 new car barn and repair shops, estimated cost, \$250,000.00.

3rd Year, expiring May 1st, 1929—12 new cars; 4 new omnibuses or cars.

Types of cars and omnibuses to be approved by the City or Board.

When and where practicable the Company shall employ Hamilton labour.

IMPROVEMENTS TO SYSTEM.

4. (a) Should the City at any time or times desire further track extensions or improvements, or extensions or alterations in or to said transportation system or service, the City may give notice requiring the Company to provide the same; should the Company neglect or refuse to make such extensions or improvements, the City may apply to the Board for an Order compelling the Company to make such extensions, additions or improvements, and the Board shall have full jurisdiction in the premises. The Board shall amongst other things, take into consideration the needs of the population, the estimated return upon the proposed increased investment and the general financial conditions. All extensions of tracks and the operation of omnibuses upon City streets and the streets upon which such omnibuses shall be operated shall be approved by the City or the Board and no tracks shall be taken up or any service abandoned without the consent of the City or the Board.

(b) The Company shall not be obliged to make any extensions, or to add to equipment, after receiving notice from the City of its intention to purchase under the Agreements in force between the parties.

FARES.

5. (a) The Street Railway Fares authorized by By-law No. 2622, passed 28th February, 1922, shall continue until altered by the Board but such fares shall not be increased prior to the 30th day of June, 1928.

(b) Until the said 30th day of June, 1928, and thereafter until changed by an order of the Board, the Company to be allowed to charge a fare of 10 cents per passenger on its omnibuses, but shall sell three tickets for 25 cents; children half fare. Transfers to be given from omnibuses to street cars, and upon payment of a five cent fare from street cars to omnibuses.

Where omnibuses are used in lieu of extensions of car lines, the fares on such omnibuses shall be 5 cents until the 30th June, 1928, and thereafter until changed by an order of the Board, and the Company shall grant transfers from such omnibuses to the Street Railway System, and from the Street Railway System to the said omnibuses, without any additional charge for all continuous trips, which are not returns.

The Board prior to said date may direct that such transfers shall also be granted and a five cent fare only charged in other cases, where, in the Board's opinion, it is fair and equitable that transfers should be given, and a five cent fare charged. But the Company shall not be compelled to give transfers to or from any omnibuses running to within one-quarter of a mile of the corner of King and James Streets.

(c) Within sixty days prior to the 30th day of June, 1928, and at any time or times thereafter the Company or the City may apply to the Board for an order increasing or reducing the above mentioned fares, and respecting transfers, and the Board may make orders regulating said transfers and may, notwithstanding any Act or Acts to the contrary, increase or reduce such fares so that they shall be just and reasonable, taking into consideration amongst other things the by-laws of the Council and the Agreements between the parties, but no order of the Board increasing or reducing the fares shall take effect prior to 30th of June, 1928; provided that neither party hereto shall make more than one such application in any year, without the consent of the other party. But no order increasing such fares shall be made by the Board, should the Board find that the Company has failed to carry out the provisions of *this agreement or has failed to substantially carry out the provisions of the other agreements between the parties* and By-law No. 624 and amendments thereto.

ONE-MAN CARS

6. The regulation contained in paragraph (h) of Section 19 of By-law No. 624, that there shall not be less than two men in charge of each car, is hereby cancelled and declared to be no longer binding on the Company. The Company with the consent of the City or with the approval of the Board, may operate such number of cars operated by one employee as may be suitable to such transportation system.

ADVERTISING SIGNS

7. The regulations contained in Section 14 of By-law No. 624, that no permanent business signs shall be carried on the outside of the cars for advertising purposes, is hereby cancelled and declared to be no longer binding on the Company, but all such signs and advertising shall be subject to the approval of the Board of Police Commissioners of the City of Hamilton.

REMOVAL OF SNOW AND ICE.

8. Where it is necessary that snow and ice be removed from the streets upon which the tracks of the street railway are operated 40 per centum of the cost of removal shall be borne by the Company and 60 per centum by the City.

PAYMENTS BY COMPANY TO CITY.

9. The payments by the Company to the City provided for by sections 23 and 24 of said By-law No. 624 shall be discontinued and said sections shall be repealed; and in lieu of the said payments, the company shall pay to the City quarterly from the 30th day of June, 1928, four per centum of its gross receipts.

Provided however that during such period or periods that the Company shall charge no greater street railway fares than are authorized by By-law No. 2622, passed on the 28th February, 1922, and no greater omnibus fares than are authorized by Subsections (b) and (c) of Section 5 hereof, the Company shall not be required to pay to the City the said percentage.

The quarterly period for which such payments shall be made, shall commence at the date any of the said fares are increased by any authority whatsoever.

EXCLUSIVE FRANCHISE FOR TRANSPORTATION SYSTEM.

10. (a) The Company shall have and may exercise during the terms of this Agreement and of the said By-law No. 624 and amendments thereto, and of any extensions and renewal thereof, an exclusive franchise to construct, complete, maintain and operate within the limits of the City as such limits may be from time to time a transportation system. It being the intention of the parties hereto that the Company shall not be subject to competition in its business of transporting passengers between points in the City, except by vehicles chartered for special trips, such as cabs and taxi-cabs, where the regular City tariff is charged and vehicles mentioned in section 1 (b) hereof. The City shall not issue any new jitney licenses or sanction the transfer of any such license at present in force, nor shall any such jitney license now in force remain in force after the 30th June, 1928.

(b) The City will not oppose applications by the Company for privileges of extensions and operation of its system, to be exercised beyond the limits of the City as such limits may be from time to time, but all receipts from such extensions shall be included in the gross receipts of the Company, and said By-law No. 624 and amendments, shall mutatis mutandis apply to said extensions. In the event of the annexation to the City of any district into which the railway extends, the provisions of this Agreement and of said By-law No. 624 and amendments thereto, shall apply to the portion of the railway in said district.

(c) Nothing herein contained shall be deemed to prevent the operation within the limit of the City as such limits may be from time to time, of

motor omnibuses running between any point within the City and towns and villages whether incorporated or unincorporated, but no such omnibuses shall convey passengers from one point within the City limits to another point therein.

(d) The City shall pass such by-laws as the Company may request, and as it lawfully may, to enable the Company to enforce the provisions of sub clauses (a) and (c) of this clause, but the City shall not be obliged to enforce such provisions.

(e) Notwithstanding anything contained in this clause, during any and all times that the Company is prevented from regularly operating, or neglects to operate its lines, or any of them, for more than one day, the City may operate or authorize the operation during the time of suspension of operation by the Company, of motor omnibuses or other vehicles as public carriers.

(f) Nothing herein shall affect the right which any railway or other company may have, to operate a steam or an electric railway, wholly or in part, within the City limits and to carry passengers or freight.

(g) The franchise or right given by sub-clause (a) of this clause shall include the right to construct, maintain and operate such equipment and other things as are or may become usual or necessary in connection with a transportation system; subject, however, to the provisions of any By-law of the City now or hereafter passed respecting streets, buildings or the zoning or the location of buildings.

COMPANY TO ADD TO ITS SYSTEM.

11. The Company shall operate as part of its Street Railway System, the following portions of railways:—

HAMILTON RADIAL RAILWAY, on Main Street, from Sherman Avenue to Delta, and on King Street, from Delta to Saltfleet line.

HAMILTON AND DUNDAS RAILWAY, on Queen Street, from Herkimer Street to Aberdeen Avenue, and on Aberdeen Avenue, from Queen Street westerly to City Limits;

and shall, prior to 30th day of June, 1928, acquire the ownership of said portions of railways and of all necessary poles, wires and apparatus necessary for the proper operation of the street railway system, and the provisions of By-law No. 624 and amendments shall apply to said portions of railway, and such poles, wires and apparatus.

BOARD TO REVISE COSTS.

12. The City shall have the right to apply to the Ontario Railway and Municipal Board for (and the Board shall have power to make) an Order disallowing or reducing items of expenditure made by the Company for cost of construction, maintenance and operation of the transportation system which the Board considers unjust or unreasonable.

COMPANY TO PAY CITY MONIES DUE.

13. The Company shall pay to the City all monies due for taxes, mileage and percentage, etc., within 30 days after the due execution of this Agreement.

NOTICE TO CEASE OPERATION.

14. The Hamilton Street Railway Company agrees that it will not cease operation of the transportation system without giving the City at least three months' notice in writing of its intention so to do.

COMPANY TO FACILITATE CITY OFFICERS.

15. The Company to afford every facility, at all times, to the officer or officers appointed by the City to enable him or them to ascertain if

the

the Company is complying with the terms of By-law No. 624 as amended and all other by-laws of the Council and all agreements between the City and the Company.

FORFEITURE.

16. In the event of the Company giving the notice referred to in Section 14 hereof, or forfeiting its privileges and rights pursuant to any by-law of the Council or agreement between the parties hereto, or should the Company fail to carry out any of the provisions of said By-laws and agreements, or of this agreement, or should the Ontario Railway and Municipal Board take possession of the railway or assume and take over the railway, the City, in addition to all other rights, shall have the right of assuming the ownership of the railway and the real and personal property, and shall be entitled to the benefits of all agreements made by the Company with other companies, corporations or persons respecting the maintenance and operation of the railway; and the Company shall be entitled to payment of 75 per centum only of their value, which value shall be determined in manner provided by Section 15 of By-law No. 624, that is, upon the basis of the actual value thereof, without regard to the way it is being used and employed or the net revenue received therefrom, but this right shall not in any way interfere with the other provisions of the said by-laws and agreements.

PROVIDED, however, that should the Board determine that the Company was unable to prevent such forfeiture, or to carry out the said provisions, owing to failure of power, strike or act of God, and that the Company did not act arbitrarily, the Board may, within three months thereafter authorize the Company to repossess the said railway and resume the operation thereof upon payment to the City or Board of all costs and expenses incurred in connection with such taking over, and upon such further terms as to the Board may seem just.

LEGISLATION.

17. The parties hereto agree to join in applying to the Legislature of the Province of Ontario at its next session for legislation confirming and ratifying this Agreement, and declaring the same to be valid, legal and binding upon the parties hereto, the expenses of such legislation to be borne by the Company.

AGREEMENT NOT BINDING, SHOULD CONFIRMATION THEREOF BE NOT OBTAINED

18. If any permission, approval, confirmation, or other thing necessary in order to make effective and valid the powers granted to the Company, by this Agreement shall not be obtained, then this Agreement shall not be binding, and the parties shall be restored to their rights and legal positions as they existed immediately prior to the execution of this Agreement, without having any claim for damages arising out of the failure to obtain such permission, approval, confirmation or other thing, but the City shall not have any claim for mileage or percentage, or for snow removal except as provided by Section 8, of this Agreement, between the first day of May, 1926, and the date that the parties shall be restored to their rights and positions as they existed prior to the execution of this Agreement.

DISPUTE DETERMINED BY ONTARIO RAILWAY AND MUNICIPAL BOARD.

19. All disputes between the Company and the City, including any dispute respecting service and the interpretation of this Agreement, shall be determined by the Board.

EXAMINATION OF BOOKS.

20. The City shall have the right to examine the books of account, vouchers, records, documents, and balance sheets of the Company quarterly, relating to its affairs, and to take extracts therefrom.

PRESENT AGREEMENTS BINDING, EXCEPT AS HEREBY VARIED.

21. All the terms and conditions of By-law No. 624 and amendments thereto, not inconsistent herewith or altered hereby, excepting Agreement authorized by By-law No. 3265, passed on the 29th day of December, 1925, where the context will allow, shall apply to the whole of the said transportation system and shall be binding upon the City and upon the Company, its successors and assigns, and upon any Company which may now or shall hereafter operate the transportation system of any part or parts of the said System, authorized by the said Agreements or By-laws.

Nothing herein contained shall be deemed to interfere with the right of the City to assume ownership of the railway and the real and personal property in connection with the working thereof, on the 22nd day of December, 1928, and thereafter, as provided by Section 15 of said By-law No. 624.

In witness whereof the parties hereto have hereunto affixed their respective seals under the hands of their proper officers.

Signed, sealed and delivered.

(Sgd.) F. F. TRELEAVEN,
Mayor.

(Sgd.) S. H. KENT,
City Clerk.

[SEAL]

HAMILTON STREET RAILWAY COMPANY.

(Sgd.) JOHN DICKENSON,
Vice-Pres.

(Sgd.) GEO. D. FEARMAN,
Secretary.

[SEAL]

SCHEDEULE 2.

BY-LAW NO. 3337.

To Authorize the Execution of an Agreement Between The Corporation of the City of Hamilton, The Hamilton Street Railway Company, and The Hamilton Cataract Power, Light and Traction Company, Limited.

The Council of the Corporation of the City of Hamilton enacts as follows:—

1. That the proposed Agreement, dated the 25th day of May, 1926, between The Corporation of the City of Hamilton, of the First Part; The Hamilton Street Railway Company of the Second Part, and The Hamilton Cataract Power, Light & Traction Company, Limited, of the Third Part, a copy whereof is set out in Schedule "A" to this By-law, is hereby approved and confirmed.

2. The Mayor and the Clerk of the Corporation are hereby authorized and directed to execute the said Agreement on behalf of the City Corporation and to affix to it the corporate seal of the Municipality.

PASSED this 25th day of May, 1926.

(Sgd.) "S. H. KENT,"
City Clerk.
[SEAL]

(Sgd.) "F. F. TRELEAVEN,"
Mayor.

SCHEDEULE

SCHEDULE "A."

REFERRED TO IN FOREGOING BY-LAW 3337.

AGREEMENT made this 25th day of May, 1926,

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
 (hereinafter called the "City"),
 of the first part;

THE HAMILTON STREET RAILWAY COMPANY
 (hereinafter called the "Street Railway Company"),
 of the second part;
 and

THE HAMILTON CATARACT POWER, LIGHT AND TRACTION
 COMPANY, LIMITED,
 (hereinafter called the "Cataract Company")
 of the third part.

Whereas the "City" and the "Street Railway Company" have entered into certain agreements respecting the Hamilton Street Railway as set forth in By-law No. 624 and amendments thereto.

And whereas it is agreed by and between the parties hereto, that in the event of the By-law authorizing an Agreement between the "City" and the "Street Railway Company" to be submitted to the electors pursuant to By-law No. 3310 receiving the assent of the electors and being duly passed by the Council this Agreement shall come into full force and effect.

Now therefore this Agreement witnesseth that in consideration of the premises and, or in consideration of the sum of One Dollar, paid by the City to the "Cataract Company," the receipt whereof is hereby acknowledged, the parties hereto hereby agree to and with each other as follows:—

1. That in the event of the "Street Railway Company" forfeiting its privileges and rights acquired pursuant to any by-law of the City Council, or should the "Street Railway Company" fail to carry out any of the provisions of such by-laws; or should The Ontario Railway and Municipal Board take possession of the railway or assume and take over the same, the "Cataract Company" will, upon request of the City Corporation, supply power to such Board or the Corporation or its nominees, sufficient to operate the said railway in accordance with the provisions of said By-law No. 624 and amendments thereto and this agreement, for a term of one year from the date the railway of the "Street Railway Company" is so assumed or taken over at the same price per kilowatt hour as paid by the "Street Railway Company" to the "Cataract Company" for power for the preceding twelve months, accounts for power to be paid monthly.

In witness whereof the parties hereto have hereunto affixed their respective Seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED.

(Sgd.) "F. F. TRELEAVEN,"
Mayor.

SEAL.

(Sgd.) "S. H. KENT,"
*City Clerk.*THE HAMILTON STREET RAILWAY COMPANY,
 (Sgd.) "JOHN DICKENSON,"
Vice-Pres.

SEAL.

(Sgd.) "GEO. D. FEARMAN,"
*Secretary.*THE HAMILTON CATARACT POWER, LIGHT &
 TRACTION CO., LTD.,
 (Sgd.) "JOHN DICKENSON,"
Vice-Pres.

SEAL.

(Sgd.) "GEO. D. FEARMAN,"
Secretary.

SCHEDULE

SCHEDULE 3.

BY-LAW No. 2622.

RESPECTING THE HAMILTON STREET RAILWAY COMPANY.

Whereas the Hamilton Street Railway Company has represented that the present economic conditions have seriously interfered with the Company's ability to properly maintain the property and the service of the railway, and the Company has applied to the Council for permission to charge an increased rate of fare, and it is expedient to grant such permission during the year 1922 and thenceforth, during the pleasure of the Council, subject to the conditions hereinafter set forth.

Therefore the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subject to the terms and conditions hereinafter set forth, for a period commencing the 10th day of March, 1922, and ending the 31st day of December, 1922, and thenceforth during the pleasure of the Council, in lieu of the fares authorized by paragraph (e) of Section 19 of By-law No. 624 respecting the said Company as amended, and paragraph (p) of Section 19, the said Company may charge and collect from every person on entering any of its cars a fare not exceeding five cents. Nothing herein contained shall effect the provisions contained in said paragraphs 19 (c) and (p) respecting children, their fares and tickets, transfers, Police Constables, City Detectives, City Firemen and City Messenger, or the provision of By-law No. 93 respecting the Company, passed on the 12th day of March, 1900, relating to fares on the Company's cars after 11.30 p.m. or before 5.30 a.m.

2. The Company shall, commencing the 10th day of March, 1922, until other directions or arrangements shall be prescribed or made, run the cars on its railway in the City of Hamilton, including extra cars, so as to give a service that would not be less than the service in force from time to time during the year 1921 and would be equally efficient.

3. Whenever the City Corporation is prepared to go on with the paving of the following portions of streets, the Company shall forthwith begin, and shall with all diligence complete the rebuilding of the tracks on such portions of streets, namely:—

King Street, between James and Bay Streets;
 Margaret Street, between King Street and Main Street;
 Main Street, between Margaret and Locke Streets;
 Wentworth Street, from King Street to southerly terminus of the Company's tracks.

It is hereby provided that should the Company fail to proceed with the rebuilding of the said tracks, or any portion thereof, as above set forth, in accordance with the provisions of By-law No. 624 and amendments thereto, the Council may repeal this By-law.

4. Subject to the provisions of Section 3 hereof, the permission hereby granted to the Company shall continue for a period commencing the 10th day of March, 1922, and ending the 31st day of December, 1922, and thenceforth during the pleasure of the Council.

5. The Council shall give the Company 30 days' notice of its intention to pass a By-law repealing this By-law, and in the event of the Council repealing this By-law, the provisions of all former By-laws respecting the matter herein contained shall again be in full force and effect.

6. This By-law shall not take effect until the same has been formally accepted by the Company by an agreement approved by the City Solicitor agreeing to the terms hereof, which agreement, when executed by the Company, shall also be executed under the City Seal by the Mayor and City Clerk.

Passed this 28th day of February, 1922.

S. H. KENT,
City Clerk.

GEORGE C. COPPLEY,
Mayor.

CHAPTER 141.

An Act to incorporate Mattagami Railroad Company.

Assented to 5th April, 1927.

WHEREAS, George Henry Kilmer, of the City of Toronto Preamble.
in the Province of Ontario, King's Counsel, and Henry Hague Davis, James Stanley Beatty, John Rudd Rumball and Lawrence Alfred Landriau, all of the said city of Toronto, barristers-at-law, have by their petition set forth that the Abitibi Fibre Company, Limited, a company duly incorporated under the laws of the Dominion of Canada, has acquired all the assets and undertaking of Mattagami Pulp & Paper Company, Limited, including a line of railway which extends from a point in or near the village of Smooth Rock Falls in the District of Cochrane to a point in the main line of the Canadian National Railway System at Smooth Rock Falls Junction; and that upon the incorporation of a company by an Act of the Legislature of Ontario providing for the acquisition of the said railway, together with all rolling stock and all other equipment and property now connected with or incidental thereto as a railway undertaking the said Abitibi Fibre Company, Limited, proposes to transfer to such company the said railway together with all rolling stock and all other equipment and property now connected with or incidental thereto, and that it is expedient that an Act of Incorporation, under the name of Mattagami Railroad Company, should be passed providing for the acquisition of the said railway and all the said rolling stock and all other equipment and property as aforesaid, and that the said Mattagami Railroad Company shall be empowered to operate the said railway by steam, electricity or other motive power and maintain the said railway and such rolling stock and other equipment or property, so that the operation of the said railway may be carried on as a separate undertaking pursuant to the provisions of *The Ontario Railway Act*; and whereas it is expedient to grant the prayer of the said petition;

1. This Act may be cited as *Mattagami Railroad Company* Short title.
Act, 1927.

2. The said George Henry Kilmer, Henry Hague Davis, ^{Incor-}poration.
James Stanley Beatty, John Rudd Rumball, and Lawrence

Alfred Landriau and such other persons and corporations as shall hereafter become shareholders of the said Company are hereby constituted a body corporate and politic under the name of "Mattagami Railroad Company," hereinafter called "the Company."

Capital stock.

3. The capital stock of the Company shall be \$1,000,000.

Head office.

4. The head office of the Company shall be at the village of Smooth Rock Falls, Ontario.

Board of directors.

5. The board of directors shall consist of not less than five and not more than nine persons.

Provisional directors.

6. The said George Henry Kilmer, Henry Hague Davis, James Stanley Beatty, John Rudd Rumball and Lawrence Alfred Landriau shall be the provisional directors of the Company.

Power to acquire railway.

7. The Company is authorized and empowered to acquire by purchase from Abitibi Fibre Company, Limited, the railway heretofore operated between Smooth Rock Falls, in the district of Cochrane, and Smooth Rock Falls Junction, on the Canadian National Railway, being a distance of approximately three miles, together with its rolling stock and equipment, terminal rights and all other property incidental thereto, as a going concern, and to maintain and operate the same in its present location between the said two points by steam, electricity or other motive power.

Bonding powers

8. Subject to the provisions of *The Ontario Railway Act* the Company may issue bonds, debentures, debenture stock or other security in an amount not exceeding \$25,000 per mile of single track of the said railway and an additional amount not exceeding the actual value of any improvements or betterments to be made upon or to the said railway or rolling stock and other equipment employed or used in connection therewith and proposed to be acquired from the said Abitibi Fibre Company, Limited.

Extensions.

9. The Company shall not be entitled to extend the said railway except in such manner, at such times and subject to such terms and conditions as may be fixed from time to time by the Lieutenant-Governor in Council.

Application of provisions of Rev. Stat. c. 185.

10. Save as otherwise provided by this Act, *The Ontario Railway Act* shall apply to the said railway and the whole undertaking thereof.

Commencement of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 142.

An Act respecting the Congregation of the
Presbyterian Church at Beaverton.*Assented to 5th April, 1927.*

WHEREAS the congregation of the continuing Presbyterian Church at Beaverton, not connected with the United Church of Canada, has by its petition represented that the vote on the question of the union of the Presbyterian, Methodist and Congregational Churches in Canada carried in the Presbyterian Church in the village of Beaverton by a small majority, and that this vote was afterwards declared by the Ontario Church Property Commission to be illegal, but no machinery was provided to remedy the injustice which resulted to the Presbyterian congregation in question; and that at the present time the congregation of the United Church in Beaverton holds possession of St. Andrews Church, Knox Church and the manse attached thereto, and the church known as The Old Stone Church, and has sold the former Methodist Church; and that the congregation of the Presbyterian Church in Beaverton, the members of which contributed largely to the erection of the then Presbyterian Churches above mentioned, are now without a place in which to worship although the United Church congregation is not now using Knox Church or The Old Stone Church; and whereas the congregation of the Presbyterian Church in the village of Beaverton has by its petition prayed that an Act be passed conveying to the said congregation the property known as The Old Stone Church in the township of Thorah, and the property known as the manse, formerly known as The Knox Church Manse, and also half the church furnishings and half the fund known as the organ fund, held by the joint congregations prior to the vote on Church Union; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Beaverton Presbyterian Church Act, 1927.* Short title.

Certain
lands vested
in trustees.

2. The lands described in clauses *a*, *b* and *c* of this section are hereby vested in George Williamson of the village of Beaverton in the county of Ontario, Harness Maker; Dougall Brown of the township of Thorah, in the county of Ontario, Farmer, and Thomas Windatt of the township of Thorah, in the county of Ontario, Farmer, the trustees of the congregation of the continuing Presbyterian Church at Beaverton (not connected with the United Church of Canada):

- (*a*) All and singular that certain parcel or tract of land situate, lying and being in the township of Thorah, in the county of Ontario, being composed of part of lot No. 10 in the 4th concession of the said township, more particularly described as follows: Commencing at the northeast angle of the said lot, thence westerly along the north limit of the said lot 155 feet and 9 inches; thence southerly parallel with the easterly limit of said lot a distance of 112 feet and 1 inch; thence easterly parallel to the northerly limit of the said lot 8 feet and 11 inches; thence southerly parallel with the easterly limit of the said lot 32 feet and 10 inches; thence easterly parallel to the northerly limit of the said lot 146 feet and 10 inches to the easterly limit of the said lot; thence northerly along the said easterly limit 144 feet and 11 inches to the place of beginning, on which is situated the church known as the Old Stone Church.
- (*b*) All and singular that certain parcel or tract of land situate, lying and being in the said township of Thorah and being composed of part of lot No. 10 in the 5th concession of the said township, more particularly described as follows: Commencing at the southeast angle of the said lot; thence northerly along the easterly limit of the said lot 136 feet to a point; thence westerly and parallel to the southerly limit of the said lot 160 feet to a point; thence southerly parallel to the easterly limit of the said lot 136 feet; thence easterly along the southerly limit of the said lot 160 feet to the place of commencement, on which are situated the sheds used in connection with the said Old Stone Church.
- (*c*) All and singular that parcel of property described as lots forty-nine (49) and twenty (20) on the west side of Osborne Street in the village of Beaverton, according to Calder's additional plan of part of lot

number fourteen (14) in the fifth concession of the township of Thorah, on which property is located the building formerly known as "Knox Church Manse."

3.—(1) All of the estate, right, title and interest of the trustees for the congregation of the United Church of Canada at the village of Beaverton, together with all the right, title and interest of the said congregation in those parts of lots numbers 9 and 10 in the 4th concession of the township of Thorah now held by the said trustees or any of them as the site of a church and burial ground, save and except the lands described in clause *a* of the next preceding section, together with all funds, securities, bonds and vouchers held by or for the said trustees or the said congregation for or in connection with the maintenance of the said burying ground shall be vested in trustees hereinafter called the "cemetery trustees" to be chosen as follows:

(2) Two trustees shall be elected by the congregation of the continuing Presbyterian Church at Beaverton (not connected with the United Church of Canada); two trustees shall be elected by the congregation of the United Church of Canada at Beaverton, and one trustee, who shall be the chairman of the cemetery trustees, shall be chosen by the senior judge of the county court of the county of Ontario upon the application of any of the cemetery trustees previously appointed. The names of the trustees elected by either congregation shall be submitted to the said judge and if he is satisfied after making such enquiry as he deems proper or desirable that they have been duly elected, their names shall be approved by him in writing and they shall thereupon be deemed for all purposes to be duly appointed. As soon as any trustees have been so appointed the said lands, securities and other property shall vest in them subject to the equal rights of trustees subsequently chosen until the full number of five is reached.

(3) Every trustee shall be appointed for a period of five years and at the expiration of that time or in the event of his prior death or retirement his place shall be filled by a trustee to be appointed as in the case of the original appointment of the trustee whose place is so vacated.

(4) The cemetery trustees shall be deemed owners of the said burying ground within the meaning of and shall administer the same subject to *The Cemetery Act*. They shall have power to make rules governing their own procedure and the administration of the cemetery. Until otherwise ordered by the trustees the rules and regulations now applicable to the cemetery shall, so far as possible, remain in force.

Rights of
purchasers
of lots pre-
served.

(5) Nothing in this section shall prejudice the rights of persons who have purchased lots in the said burying ground and the cemetery trustees shall acquire the properties hereby vested in them subject to all such rights.

Registration
of copy of
Act and
registration
of certificate
of judge to be
good title.

4. A copy of this Act properly certified by the clerk of the Legislative Assembly of Ontario may be registered in the office of the Registrar of Deeds for the county of Ontario as good and sufficient evidence of the title to the properties dealt with under sections 2 and 3 hereof, and the certificate of the senior county court judge confirming the appointment of the cemetery trustees may be registered in the office of the said registrar and shall be conclusive evidence of the appointment and title of the said trustees.

Committee
to divide
furnishings
and fund.

5. A committee of four members, two to be elected by the congregation of the United Church at Beaverton, and two to be elected by the congregation of the aforesaid continuing Presbyterian Church at Beaverton, shall meet and arrange an equal division into two parts of the church furnishings and equipment except pews and the fund known as the organ fund held by the joint congregations prior to the vote on Church Union, one of which parts shall become the property of each of the congregations herein referred to.

County
Judge to be
referee.

6.—(1) In the event of the committee referred to in section 4 being unable to agree, or in the event of the committee not completing its duties by the thirtieth day of September, 1927, the matter shall be referred to the senior judge of the county court of the county of Ontario who shall act as a referee to effect the division referred to in section 4 hereof and whose decision in the matter shall be final.

Appoint-
ment of
trustee
where no
election by
congrega-
tion.

(2) In the event of either congregation failing to elect its members of the said committee on or before the 1st day of May, 1927, the said judge shall on the application of the members elected by the other church appoint two persons who shall have power to act as members of the committee on behalf of the congregation so failing to elect its members.

Commence-
ment of
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 143.

An Act respecting St. Andrew's Churches,
Martintown.*Assented to 5th April, 1927.*

WHEREAS the congregation of Presbyterians at Martin-^{Preamble.} town known as St. Andrew's Church, not connected with the United Church of Canada, have by their petition represented that they are in origin the non-concurring minority of the congregation of St. Andrew's Church at Martintown which was, before the 10th day of June, 1925, in communion with the Presbyterian Church in Canada as then constituted; and that the then congregation of St. Andrew's Church was formed by the union in 1906 of two Presbyterian churches at Martintown, one of which was known as Burns Presbyterian Church; and that the buildings and premises of the said Burns Church are now owned by the congregation of St. Andrew's Church in communion with the United Church of Canada but are not now required for church purposes by them; and that the Ontario Church Property Commission unanimously recommended that the said building and premises be given to the said non-concurring minority; and that the said recommendation has not been carried out; and whereas the said petitioners have prayed that an Act may be passed for the purpose of vesting the said building and premises of Burns Church in the trustees for the said congregation of Presbyterians at Martintown; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The estate, right, title and interest of the trustees of the congregation of St. Andrew's Church, Martintown, in communion with the United Church of Canada and of the said congregation in the lands and buildings of the former Burns Presbyterian Church at Martintown described in schedule "A" hereto, are hereby vested in James R. Sproul, farmer; Les. B. Murray, farmer; Duncan Christie, farmer; Daniel McLeod, farmer; William Fraser, farmer; Alexander

G. Ross, farmer; John J. Cameron, farmer, all of the township of Charlottenburgh in the county of Glengarry, as trustees for the congregation of Presbyterians in and around the village of Martintown, known as the St. Andrew's Church, not connected with the United Church of Canada.

Commence-
ment of
Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

Firstly, all and singular all that certain parcel or tract of land situate, lying and being in the Township of Charlottenburgh, in the County of Glengarry, being composed of those parts of Lot No. 28 on the north side of the River Aux Raisins, in the second range of the said Township, and of Lots Nos. 5 and 6 on the north side of St. Peter or Church Street in Bruce's plan filed August, 1869, occupied as the Burns Church property and more particularly described as follows:—

Commencing at a corner post on the north limit of the road allowance of Church Street in the Police Village of Martintown, Five hundred and twenty-four feet (524') more or less westerly along the said north limit from the east limit of the said Lot No. 28; thence north 24° 45' west Two hundred and twenty-six and seven-tenths feet (226 7/10') more or less along a fence to a corner post; thence north 85° 56' west Two hundred and thirty-one and nine-tenths feet (231 9/10') more or less along a fence to a corner post; thence south 21° 45' east Two hundred and nine feet (209') more or less along a fence to a corner post on the north limit of the said road allowance for Church Street; thence south 84° east along said north limit Two hundred and fifty-seven and three-tenths feet (257 3/10') more or less to the place of beginning containing an acre and one-tenth be the same more or less;

Secondly, all and singular that certain parcel or tract of land and premises situate, lying and being within said Lot No. 28 and being composed of those parts of the east half of Lot 1 and of Lot 2 on the south side of St. Peter or Church Street in the said Bruce's plan, more particularly described as follows:

Commencing at a corner post on the south limit of Church Street where the same is intersected by the centre line of the said Lot No. 1; thence south 84° east along the said south limit of Church Street and across a roadway One hundred and twenty-two and three-tenths feet (122 3/10') more or less to the intersection of the east limit of a roadway with the said south limit of Church Street; thence southerly along the east limit of said roadway to the north limit of Dundas Street; thence westerly along the north limit of Dundas Street across the said roadway to the intersection of the said north limit of Dundas Street and the said centre line of Lot No. 1; thence north 22° 15' west Two hundred and seventy-five feet (275') more or less along a fence to the place of beginning.

CHAPTER 144.

An Act respecting the Congregation of the Presbyterian Church of Canada in Wick.

Assented to 5th April, 1927.

WHEREAS the congregation of the Presbyterian Church Preamble of Canada (Continuing Presbyterians) in Wick have by their petition represented that the vote taken in the congregation of the Presbyterian Church of Canada in Wick pursuant to *The United Church of Canada Act* being chapter 125 of the Statutes of 1925, was irregular and whereas the said petitioners have prayed that an Act be passed providing for a new vote in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Wick Presbyterian Church* Short title. *Act, 1927.*

2.—(1) Notwithstanding anything contained in *The United Church of Canada Act* and amendments thereto a new vote New vote to be taken. 1925, c. 125. shall be taken by the congregation of the Presbyterian Church of Canada in Wick as constituted on the 19th day of July, 1924, on the question of entering the Union of the Presbyterian, Methodist and Congregational Churches in Canada upon a list of persons entitled to vote to be settled by a judge of the Supreme Court of Ontario or of a county court in accordance with the provisions of clause *c* of section 8 of the said Act, such judge to be appointed by the Attorney-General of Ontario and notwithstanding anything done or determined heretofore the said judge shall have exclusive power to determine what persons are entitled to be entered on such list and to vote.

(2) Such judge shall be paid such an honorarium as may be fixed by the Attorney-General of Ontario, one-half of which shall be payable by the United Church of Canada and one-half by the non-concurring congregations of the Presbyterian Church in Canada. Honorarium of judge

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 145.

An Act respecting the General Synod and the
Missionary Society of the Church of
England in Canada.

Assented to 5th April, 1927.

Preamble.

WHEREAS the General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada have by petition represented that they are bodies corporate and politic under statutes of the Parliament of Canada, each having its head office in the city of Toronto and Province of Ontario; and whereas the said corporations have by petition prayed for an Act authorizing them to consolidate, manage and invest the trust funds under the control of the said petitioners respectively as one undivided fund; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title

1. This Act may be cited as *The Church of England Trust Fund Act, 1927.*

Forming of
General
Trust Fund

2. The General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada and each of them may declare and enact by canon or by-law that all personal property, securities and moneys which now are or which may hereafter become vested in or held by the said corporations respectively shall be held, managed and invested as one general trust fund in the joint names of the said two corporations, and may make such lawful investments of the same in such sums and at such rates of interest as a joint committee of the said two corporations appointed under the provisions of this Act may from time to time determine, but nothing herein contained shall authorize the said two corporations, or either of them, to vary or alter the trusts upon which the said personal property, securities or moneys are now respectively vested in or held by the said corporations respectively, except as herein or heretofore authorized.

3. In order to effectuate the aforesaid purposes, there shall be constituted a joint committee of the said two corporations which said committee, until the said General Synod and the Board of Management of the said Missionary Society of the Church of England in Canada shall otherwise determine, shall consist of the persons for the time being holding the offices of the primate of all Canada, the chairman of the executive committee of the said missionary society, the chairman of the board of finance of the said General Synod, the general treasurer of the said General Synod and the general treasurer of the said missionary society who shall be *ex-officio* members of the said committee and six other members, three of whom shall be elected annually by the board of finance of the General Synod and three of whom shall be elected at the annual meeting of the board of management of the said missionary society, which elected members shall hold office until the appointment of their successors respectively, and all vacancies which may occur in the elected membership of the said committee between meetings of the said electing bodies shall be filled by the said primate and chairman of the executive committee of the board of management respectively.

4. Until the said General Synod and the Board of Management of the said Missionary Society of the Church of England in Canada shall otherwise determine five members of the said committee of whom the primate or the chairman of the said executive committee shall be one shall constitute a quorum of the said committee, and the said committee may make such rules and regulations as may be necessary for the conduct of the business committed to them.

5. Separate and distinct accounts of each and every trust respecting the funds thereof vested in the said corporations respectively, showing the capital of the same, shall be kept by the said corporations respectively and by the said committee, and the interest and profits received or accruing from the several investments so made of the whole of the said general trust fund shall be divided between the two corporations in the proportion of the capital contributed by each, and the amount received by each corporation shall be divided among the several trusts represented by it *pro rata* to the proportion contributed by each separate trust fund to the whole trust fund vested in each corporation respectively after deducting from such receipts the expenses of management, investment and administration, and the payment of such *pro rata* sums shall be a full discharge of the said corporations respectively in respect of the trusts on which the said funds are held by them.

CHAPTER 146.

An Act to amend the Act to Incorporate Evangelical
Lutheran Seminary of Canada.

Assented to 5th April, 1927.

Preamble.

WHEREAS the Evangelical Lutheran Seminary of Canada has by its petition represented that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *Lutheran Seminary Act, 1927.*

1913, c. 145
s. 7,
amended.

Power to
hold land.

2. Section 7 of the Act passed in the third and fourth years of the reign of His Majesty King George the Fifth, chaptered 145, is amended by striking out the figures "\$50,000" in the fourth line and inserting in lieu thereof the figures "\$500,000."

CHAPTER 147.

An Act to amend An Act to incorporate the Young Women's Christian Association of London, Ontario.

Assented to 5th April, 1927.

WHEREAS The Young Women's Christian Association Preamble of London, Ontario, has by petition represented that it was incorporated by an Act passed in the fifth year of the reign of His Majesty King Edward the Seventh, chaptered 124, with power to acquire and hold real estate in the city of London, and has also by the said petition represented that it is expedient that the Association be authorized to acquire and hold for its purposes real estate or any interest therein in any place or places in the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The London Young Women's Christian Association Act, 1927.* Short title.

2. Section 1 of the Act passed in the fifth year of the reign of His Majesty King Edward the Seventh, chaptered 124, is amended by striking out of the eighteenth and nineteenth lines of the said section the words "in the City of 1905, c. 124. London," and inserting in lieu thereof the words, "or any interest therein in any place or places in the Province of Ontario," and by adding at the end of the said section the words "Provided that any land acquired and held by the said corporation outside of the city of London shall not be exempt from taxation for any purpose."

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 148.

An Act respecting the Board of Management of the House of Refuge of the District of Thunder Bay.

Assented to 5th April, 1927.

Preamble.

WHEREAS The Corporation of the City of Fort William and The Corporation of the City of Port Arthur have by petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Dissolution
of Board of
Management.

1. The Board of Management of the House of Refuge of the District of Thunder Bay is hereby dissolved and all proceedings had and taken in connection with the formation thereof or the establishing of a House of Refuge for the District of Thunder Bay are hereby repealed.

Vesting of
certain
lands in
City of Port
Arthur.

2. The following lands now vested in the Board of Management of the House of Refuge of the District of Thunder Bay, namely:—

"All and singular that certain parcel or tract of land and premises situate, lying and being in the township of McIntyre, in the district of Thunder Bay and Province of Ontario, and being composed of that part of the south-west quarter of section 53 in the said township, described as follows: Commencing at the intersection of the northerly limit of the said quarter section with the centre line of the McIntyre river; thence, in a general southerly direction following the said centre line down stream to a point in a line drawn perpendicularly to the westerly limit of the said quarter section from a point therein distant eight hundred and twe 'ty-two and seven-tenths feet measured southerly thereon from the said northerly limit of quarter section; thence easterly, along the line drawn as aforesaid to a point distant nine hundred and sixty feet measured perpendicularly easterly from the said westerly limit; thence southerly and parallel to the

said

said westerly limit of quarter section, to the said centre line of McIntyre River; thence in a general south-easterly and southerly direction following the said centre line down stream to the southerly limit of the said quarter section; thence easterly along the said southerly limit to the easterly limit of the said quarter section; thence northerly along the said easterly limit to the said northerly limit; thence westerly along the said northerly limit to the point of commencement,"

are hereby vested in The Corporation of the City of Port Arthur.

3. The following lands now vested in The Board of Management of the House of Refuge of the District of Thunder Bay, ^{Vesting of certain lands in City of Fort William.} namely:—

"All and singular that certain parcel or tract of land and premises, situate, lying and being in the township of McIntyre, in the district of Thunder Bay and Province of Ontario, and being composed of that part of the south-west quarter of section 53 in the said township, described as follows: Commencing at the intersection of the northerly limit of the said quarter section with the centre line of the McIntyre River; thence in a general southerly direction, following the said centre line down stream, to a point in a line drawn perpendicularly to the westerly limit of the said quarter section from a point therein distant eight hundred and twenty-two and seven-tenths feet measured southerly thereon from the said northerly limit of quarter section; thence easterly along a line drawn as aforesaid to a point distant nine hundred and sixty feet measured perpendicularly easterly from the said westerly limit; thence, southerly and parallel to the said westerly limit of quarter section to the said centre line of McIntyre River; thence in a general south-easterly and southerly direction following the said centre line down stream to the southerly limit of the said quarter section; thence westerly along the said southerly limit to a point distant thirty-three feet perpendicularly easterly from the said westerly limit; thence, northerly and parallel to the said westerly limit to the said northerly limit; thence easterly along the said northerly limit to the point of commencement,"

are hereby vested in the Corporation of the City of Fort William.

T. WERTH
TECHNICS.

- 4.** Each of the said cities may sell and dispose of the lands respectively vested in them as aforesaid for such price and upon such terms as the Council of such city may by by-law determine.

CHAPTER 149.

An Act respecting the Windsor Gas Company,
Limited.*Assented to 5th April, 1927.*

WHEREAS the Windsor Gas Company, Limited, has by ^{Preamble.} its petition represented that it is a joint stock company incorporated on the twenty-fourth day of October, A.D. 1904, by letters patent issued pursuant to the provisions of *The Ontario Companies Act* and subject to the provisions of *An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*; and that the Legislative Assembly of the Province of Ontario did in its session of the fifth year of the reign of His Majesty King Edward the Seventh, pass *An Act respecting the Windsor Gas Company, Limited*, which same was assented to on the 25th day of May, 1905, and is printed as Chapter 118 of the Statutes of Ontario of 5 Edward VII; and that it is apparent from the recitals of the said Act and the provisions of *An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, then in force, that the said Act was intended to operate as an enabling Act only for the purpose of enabling the Windsor Gas Company, Limited, to borrow moneys in excess of what the said Act respecting joint stock companies for supplying cities, towns and villages with gas and water then permitted; and that the restrictions upon the borrowing powers of all such companies were removed by *The Ontario Companies Act*, 7 Edward VII, Chapter 34 (1907) and the sections of *An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, imposing such restrictions were repealed; and that section 2 of the enacting part of the said *Act respecting the Windsor Gas Company, Limited*, contains the following clause after the word "Act" in the seventh line thereof: "provided that the amount actually borrowed and outstanding shall not at any time exceed \$310,000 in the whole" and accordingly notwithstanding the removal of the restrictions upon the borrowing powers of gas companies generally the said clause creates some doubt as to the borrowing powers of the Windsor Gas Company, Limited; and whereas the said company has by its petition prayed that an Act may be passed striking out the said words; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Windsor Gas Company Act, 1927.*

1905, c. 118, amended. **2.** Section 2 of *An Act respecting the Windsor Gas Company, Limited*, passed in 1905 and chaptered 118 is amended by striking out the following words: "provided that the amount actually borrowed and outstanding shall not at any time exceed \$310,000 in the whole."

Commencement of Act. **3.** This Act shall be deemed to have been in force and effect on, from and after the first day of July, 1907.

CHAPTER 150.

An Act respecting the North Anderdon Shooting Club.

Assented to 5th April, 1927.

WHEREAS the North Anderdon Shooting Club, herein-^{Preamble} after referred to as the "club," has by its petition represented that it was incorporated by letters patent, dated the 5th day of May, 1886, in pursuance of the provisions of *An Act respecting the incorporation of Joint Stock Companies by Letters Patent* for the following purposes, that is to say: "The preservation of game and fish under the laws of Ontario as well as the improvement of marksmanship, and also for the pleasure and recreation of the members of the club and their friends"; and that the club has been conducted and its operations have been carried on as if it had been a corporation without share capital, and that by-laws of the club have been passed respecting the membership in said club and the right to forfeit such membership; and whereas the club has by its petition prayed that an Act may be passed by the Legislature of this Province declaring the said club to be a corporation without share capital and to enact as hereinafter set forth with regard to the membership of the club and the rights of members as such; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The club shall be deemed to be and always to have been ^{Club a} corporation ^{without} having power to acquire ^{share} lands or interest in lands for the purposes ^{capital.} of the club and to mortgage or sell the same.
2. The members of the club are declared to have been,— ^{Qualification as members.}
 - (a) Those who were named in the letters patent as members, and
 - (b) Those who were elected to active membership by the directors of the club.

Present
members of
club.

3. The present members of the club are declared to be those mentioned in the preceding section of this Act, except those who ceased to be members under the provisions of the by-laws or regulations for non-payment of dues.

Application
of provisions
of Rev. Stat.
c. 178.

4. Subject to the provisions of this Act the provisions of *The Ontario Companies Act* and amendments thereto shall apply to the club insofar as the same are applicable as fully as if the club had been incorporated under said Act and amendments as a corporation without share capital.

By-laws and
regulations.

5. It is hereby declared that schedule "A" contains the by-laws or regulations of the club and that such by-laws or regulations have been in force since its incorporation and they are hereby declared to be valid and binding upon the club and its members. The said by-laws or regulations shall be substituted for the regulations contained in Form 4 of *The Ontario Companies Act* as provided by sections 6 and 7 of the said Act.

SCHEDULE "A."

BY-LAWS OR REGULATIONS OF THE NORTH ANDERDON SHOOTING CLUB.

Meetings.

1. The regular annual meeting of the Club shall be held at Windsor, Ont., on the first Friday of April in each year.

2. Special meetings may be called by the President or by any three members of the Club, at any time, and such meetings shall be deemed regular within the meaning of the constitution (charter), and it shall be the duty of the Secretary upon receipt of written notice from the President or any three members to issue a call for such meeting by mail, to take effect within ten days, as may be specified.

Membership.

3. Persons may be elected to active membership in the Club at any regular or special meeting of the Club Directors. No persons shall be so elected against the vote of one director.

4. Subject to the approval of the Directors and subject to such restrictions as the Directors may make in respect thereof, a member of the said Club may assign his membership and such membership shall be transmissible in case of death provided that such membership has not been forfeited for non-payment of dues.

Application for Membership.

5. Application for membership shall be made to the Club in writing and the applicant shall be recommended by at least two members of the Club in good standing.

Officers and Elections.

6. The officers of the Club shall consist of President, Vice-President, Secretary and Treasurer (last two named offices may be filled by the same person), a Board of Directors consisting of five members. The President and Vice-President shall be members of and elected by and from the Board of Directors, and Secretary and Treasurer shall also be appointed by the Board of Directors.

7. The Board of Directors shall be elected at the annual meeting by ballot.

8. The duties of the officers shall be such as usually pertain to such offices, and such as are herein specified. They hold their office for one year, and until their successors are duly elected and qualified.

9. The Secretary shall keep a full record of the proceedings of the Club and a record of the name and residence of each member, and shall give all notices of meetings, shall serve upon members all notices of charges preferred against them.

10. The Treasurer shall notify members each year of the time the annual dues are payable; he shall collect all moneys due to the Club from any sources and shall pay out the same upon bills audited and so endorsed by the chairman of the Board of Directors. He shall pay over to his successor in office the balance in his hands when so directed in writing by the Board of Directors, and shall perform such other acts as may be required by the By-laws of this Club.

11. The Board of Directors shall have the general management of the corporate business and financial affairs of the Club, and may make rules and regulations for the use of the property by the members, but they may not make a contract for a longer period than one year excepting in the matter of leased grounds for additional shooting privileges which is left entirely to their discretion.

12. The property of the Club and its use under regulations prescribed by the Directors, as well as the transaction of all business and the auditing of accounts shall be in the hands of the Directors, and their chairman shall audit and so indorse all bills before they are paid by the Treasurer.

Dues.

13. Annual dues shall be fixed by the Directors at any regular or special meeting, at such a sum as shall be considered necessary to meet current expenses for the year, and each member shall upon notice from Secretary-Treasurer, pay into the treasury his proportion of such expenses within sixty days of date of said notice, and any member who shall fail to pay said dues within the time specified will be dropped from membership and his interest in the Club shall be forfeited. Any member who shall have failed to pay the dues fixed by the Directors for a period of two years shall thereupon cease to be a member and his interest in the Club shall be forfeited without any action on the part of the Directors and whether or not he shall have received notice from the Secretary-Treasurer as herein provided.

Rules.

14. All rules by the Board of Directors shall be of binding force till abrogated by a vote of the Club, which may be done by a majority present at any regular or special meeting.

15. All rules made by the Directors shall be reported to the Club at the first regular meeting after their adoption.

Quorum.

16. Five members of the Club present in person or by proxy at any meeting shall constitute a quorum, and in the case of a tie the Chairman shall have a casting vote. Members may be represented by a proxy in writing.

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TABLE OF PUBLIC STATUTES 1914-1927

TABLE SHOWING THE EXISTING ACTS OF THE PROVINCE OF ONTARIO
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NOTE.—This table has been prepared for the convenience of the public under the instructions of the Attorney-General. Each Act, with its amendments, is shown alphabetically in the table under the heading of its short title, if it has one, otherwise under its long title. Numerous subject matter or collective titles have been inserted by way of cross-reference to facilitate the finding of the different Acts.

Abbreviations.—aff.=affecting; am.=amending; c.=chapter; rep.=repealing; R.S.O.=Revised Statutes of Ontario; s.=section; sub.=substituting; sup.=superseding.

A

- ABSCONDING DEBTORS ACT. R.S.O. 1914, c. 82; 1919, c. 25, s. 11 am.
ABSENTEE ACT. 1920, c. 36.
ACCIDENT. *See* Fatal Accidents Act; Workmen's Compensation for Injuries Act
ACCIDENT PREVENTION. *See* Fire; Threshing Machines Act.
ACCIDENTAL FIRES ACT. R.S.O. 1914, c. 118.
ACCOUNTANTS. *See* Chartered Accountants Act.
ACCUMULATIONS ACT. R.S.O. 1914, c. 110.
ADMINISTRATION OF ESTATES. *See* Crown Administration of Estates Act; Devolution of Estates Act; Ontario Public Trustee Act; Settled Estates Act; Succession Duty Act; Surrogate Courts Act; Trustee Act.
ADMINISTRATION OF JUSTICE EXPENSES ACT. 1926, c. 35; 1927, c. 28, s. 39 am.
ADOLESCENT SCHOOL ATTENDANCE ACT. 1919, c. 78; 1921, c. 89, s. 27 am.; 1923, c. 55 am.
ADOPTION ACT. 1921, c. 55; 1925, c. 46 am.; 1926, c. 45 am.; 1927, c. 53 rep. and sub.
AGENTS. *See* Factors Act.
AGRICULTURE. *See* Agricultural Associations Act; Agricultural College Act; Agricultural Development Act; Agricultural Development Finance Act; Representatives Act; Agricultural Societies Act; Consolidated Cheese Factories Act; Corn Borer Act; County Publicity Act; Dairy; Department of Agriculture Act; District Representatives Act; East Simcoe Agricultural Society; Farms Loans Act; Federal Grants for Agricultural Purposes; Grain Loans Act; Grain Trade Inquiry Act; Lennox Agricultural Society; Ontario Farm Loans Act; Live Stock and Products Act; Protection of Cattle Act; Winter Fair Act.
AGRICULTURAL ASSOCIATIONS ACT. R.S.O. 1914, c. 46; 1916, c. 24, s. 3 am.; 1920, c. 27 am.; 1921, c. 29 am.; 1926, c. 21, s. 11 am.; 1927, c. 28, s. 3 am.
AGRICULTURAL COLLEGE ACT. R.S.O. 1914, c. 281; 1916, c. 24, s. 44 am.
AGRICULTURAL DEVELOPMENT ACT. 1921, c. 32; 1922, c. 36 am.; 1923, c. 15 am.; 1925, c. 30 am.

- AGRICULTURAL DEVELOPMENT FINANCE ACT.** 1921, c. 31.
- AGRICULTURAL REPRESENTATIVES ACT.** 1918, c. 19.
- AGRICULTURAL SOCIETIES ACT.** R.S.O. 1914, c. 47; 1914, c. 21, ss. 9-13 am.; 1917, c. 27, ss. 14, 15 am.; 1918, c. 20, ss. 12-14 am.; 1919, c. 25, ss. 6, 7 am.; 1920, c. 28 am.; 1921, c. 30 am.; 1924, c. 29 am.; 1927, c. 28, s. 4 am.
- ALIENS' REAL PROPERTY ACT.** R.S.O. 1914, c. 108.
- ALLOWANCES.** *See* Mothers' Allowances Act.
- AMUSEMENTS TAX ACT.** 1916, c. 9; 1917, c. 27, ss. 64, 65 am.; 1918, c. 20, ss. 54, 55 am.; 1920, c. 11 am.; 1927, c. 10 am.
- AN ACT TO AUTHORIZE AND CONFIRM GRANTS BY MUNICIPAL CORPORATIONS FOR PATRIOTIC PURPOSES.** 1915, c. 37; 1916, c. 40 am.; 1917, c. 41 am.; 1918, c. 34 am.; 1919, c. 25, s. 33 am., s. 44 aff.
- AN ACT TO CONFER CERTAIN POWERS RESPECTING HOSPITALS ON THE LIEUTENANT-GOVERNOR IN COUNCIL.** 1920, c. 108.
- AN ACT TO CONFIRM AN AGREEMENT BETWEEN THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, THE CITY OF TORONTO AND THE TORONTO HARBOUR COMMISSIONERS.** 1925, c. 25.
- AN ACT TO CONFIRM AN AGREEMENT BETWEEN THE TORONTO CONSERVATORY OF MUSIC AND GOVERNORS OF THE UNIVERSITY OF TORONTO.** 1919, c. 79; 1927, c. 93 am.
- AN ACT TO CONFIRM THE TITLE OF THE GOVERNMENT OF CANADA TO CERTAIN LANDS AND INDIAN LANDS.** 1915, c. 12.
- AN ACT TO CREATE THE TERRITORIAL AND PROVISIONAL JUDICIAL DISTRICT OF TEMISKAMING.** 1912, c. 21; 1914, c. 21, s. 1 am.; 1915, c. 20, s. 28 am.
- AN ACT TO ENABLE THE EXECUTORS OF THE LATE GEORGE TAYLOR FULFORD TO MAKE A CERTAIN GIFT OUT OF HIS ESTATE FOR PATRIOTIC PURPOSES.** 1915, c. 11.
- AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR THE PUBLIC SERVICE.** 1914, c. 1; 1915, c. 1; 1916, c. 1; 1917, c. 1; 1918, c. 1; 1919, c. 1; 1920, c. 1; 1921, c. 1; 1922, c. 1; 1923, c. 1; 1924, c. 1; 1925, c. 1; 1926, c. 1; 1927, c. 1.
- AN ACT TO INCORPORATE THE ONTARIO CO-OPERATIVE DAIRY PRODUCTS, LIMITED.** 1922, c. 65.
- AN ACT TO INCORPORATE THE TOWN OF KAPUSKASING.** 1921, c. 36.
- AN ACT TO PROVIDE FOR THE CONSOLIDATION OF THE STATUTES OF ONTARIO.** 1927, c. 3.
- AN ACT TO PROVIDE FOR THE PAYMENT OF AN ANNUITY TO ALICE, LADY WHITNEY.** 1915, c. 9.
- AN ACT FOR RAISING MONEY ON THE CREDIT OF THE CONSOLIDATED REVENUE FUND OF ONTARIO.** 1914, c. 9; 1915, c. 4, c. 5, s. 5 am.; 1916, c. 2; 1917, c. 2; 1918, c. 2; 1919, c. 2; 1920, c. 6; 1921, c. 7; 1922, c. 8; 1923, c. 2; 1924, c. 9; 1925, c. 2; 1926, c. 6; 1927, c. 2.
- AN ACT TO REDUCE PROPERTY QUALIFICATIONS OF CANDIDATES FOR MEMBERSHIP IN MUNICIPAL COUNCILS.** 1920, c. 59.
- AN ACT RESPECTING CERTAIN BEQUESTS OF THE LATE GEORGE CUMMINGS BUTLER DWYER BROPHY.** 1915, c. 10.
- AN ACT RESPECTING THE FILING OF CLAIMS AGAINST CERTAIN COMPANIES OR THEIR PROPERTIES.** 1922, c. 33.
- AN ACT RESPECTING WORKS AND MEASURES TO RELIEVE UNEMPLOYMENT.** 1922, c. 41.
- ANATOMY ACT.** R.S.O. 1914, c. 162.
- ANDREW MERCER REFORMATORY ACT.** R.S.O. 1914, c. 288; 1919, c. 83, ss. 9, 10 am.
- ANIMALS.** *See* Brand Act; Dog Tax and Sheep Protection Act; Entry of Horse at Exhibition Act; Injured Animals Act; Ontario Game and Fisheries Act; Ontario Stallion Act; Protection of Pure-Bred Cattle Act.
- APPEALS.** *See* Privy Council Appeals Act.
- APPORTIONMENT ACT.** R.S.O. 1914, c. 156.
- APPRENTICES AND MINORS ACT.** R.S.O. 1914, c. 147; 1927, c. 28, s. 10 rep.
- ARBITRATION.** *See* Arbitration Act; Boards of Trade General Arbitration Act; Damage by Fumes Arbitration Act.
- ARBITRATION ACT.** R.S.O. 1914, c. 65; 1927, c. 34 am.
- ARCHITECTS.** *See* Ontario Architects Act.
- ARCHIVES ACT.** 1923, c. 20.
- ARREST.** *See* Fraudulent Debtors' Arrest Act.
- ART GALLERY OF TORONTO.** 1919, c. 25, s. 1 aff.
- ASSEMBLY.** *See* Legislative Assembly Act.

- ASSESSMENT ACT.** R.S.O. 1914, c. 195; 1914, c. 2, s. 4, c. 34 am.; 1915, c. 36 am.; 1916, c. 6 ss. 2, c. 24, s. 28 aff.; c. 41 am.; 1917, c. 4, s. 1, c. 7, s. 5, c. 43, s. 2, c. 45 am.; 1918, c. 20, ss. 37-40 am.; 1919, c. 50 am.; 1920, c. 63 am., c. 79 am.; 1921, c. 67 am.; 1922, c. 74, ss. 6, 7 am., c. 78 am.; 1923, c. 45 am.; 1924, c. 59 am.; 1925, c. 62 am.; 1926, c. 3, s. 13 (3) aff., c. 55 am.; 1927, c. 63 am.
- ASSIGNMENT OF BOOK DEBTS ACT** 1923, c. 29; 1925, c. 37 am.; 1927, c. 43 am.
- ASSIGNMENTS AND PREFERENCES ACT.** R.S.O. 1914, c. 134; 1914, c. 21, s. 29 am.
- ASSURANCES OF ESTATES TAIL.** *See* Estates Tail Act.
- ATHLETIC COMMISSION ACT.** 1920, c. 30; 1921, c. 88 am.; 1923, c. 19 am.; 1927, c. 72 am.
- ATHLETICS.** *See* Community Halls Act.
- AUCTIONEERS.** *See* Provincial Auctioneers' License Act.
- AUDIT ACT.** R.S.O. 1914, c. 23; 1914, c. 2, s. 4, c. 21, ss. 6, 7 am.; 1917, c. 27, s. 6 am.; 1921 c. 9 am.; 1925, c. 11 am.; 1926, c. 35, s. 17 (3) aff.
- AUSTRIA-HUNGARY: PAYMENT OUT OF COURT OR BY EXECUTORS.** 1914, c. 21, s. 67.
- AUXILIARY CLASSES ACT.** 1914, c. 49; 1917, c. 62 am.

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- BANTING AND BEST MEDICAL RESEARCH ACT.** 1923, c. 56.
- BANTING RESEARCH AID ACT.** 1927, c. 94; c. 95 aff.
- BARBERRY SHRUB ACT.** R.S.O. 1914, c. 255.
- BARRISTERS ACT.** R.S.O. 1914, c. 158; 1927, c. 28, s. 12 am.
- BEACH PROTECTION ACT.** R.S.O. 1914, c. 244; 1920, c. 91 am.; 1922, c. 94 am.; 1927, c. 28, s. 26 am.
- BEACHES AND RIVER BEDS ACT.** R.S.O. 1914, c. 245
- BED OF NAVIGABLE WATERS ACT.** R.S.O. 1914, c. 31.
- BEES.** *See* Bee Diseases Act; Bee Protection Act; Foul Brood Act; Swarms of Bees Act.
- BEE DISEASES ACT.** 1920, c. 95.
- BEE PROTECTION ACT.** R.S.O. 1914, c. 257; 1914, c. 21, s. 54 am.; 1916, c. 24, s. 33 am.
- BELGIUM: PAYMENT OUT OF COURT OR BY EXECUTORS.** 1914, c. 21, s. 67.
- BELMONT.** *See* Agricultural Societies Act.
- BEQUESTS TO TREASURER OF ONTARIO.** 1915, c. 20, s. 25.
- BETTING INFORMATION ACT.** 1923, c. 5.
- BILLIARD ROOMS.** *See* Minors' Protection Act.
- BILLS OF SALE AND CHATTEL MORTGAGE ACT.** R.S.O. 1914, c. 135; 1916, c. 24, s. 22 am.; 1921, c. 50 am.; 1925, c. 35 am.; 1927, c. 41 am.
- BIRDS.** *See* Birds' Protection Act; Protection of Birds Act.
- BIRDS' PROTECTION ACT.** 1918, c. 50; 1919, c. 25, s. 40 am.
- BIRTHS.** *See* Vital Statistics Act.
- BOARD OF EDUCATION ACT.** *See* Boards of Education Act; Toronto Board of Education Act.
- BOARD OF PAROLE.** *See* Ontario Parole Act.
- BOARD OF POLICE COMMISSIONERS FOR COUNTIES.** 1914, c. 21, s. 24.
- BOARDS OF EDUCATION ACT.** R.S.O. 1914, c. 269; 1914, c. 21, s. 61 am.; 1915, c. 43, s. 11 am.; 1917, c. 27, s. 50, c. 61 am.; 1919, c. 6, s. 2 aff.; 1920, c. 99, s. 7 am.; 1922, c. 98, s. 23 am.; 1925, c. 78, ss. 14, 15 am.; 1927, c. 90 am.
- BOARDS OF TRADE GENERAL ARBITRATION ACT.** R.S.O. 1914, c. 66.
- BOOK DEBTS.** *See* Assignment of Book Debts Act.
- BOILERS.** *See* Steam Boilers Act.
- BONUS LIMITATION ACT.** 1924, c. 56.
- BOUNDARY LINE DISPUTE ACT.** R.S.O. 1914, c. 67; 1926, c. 21, s. 13 rep.
- BOUNTY.** *See* Metal Refining Bounty Act
- BOYS' WELFARE ACT.** 1925, c. 80; 1927, c. 92 rep. and sub.
- BOYS' WELFARE HOME AND SCHOOL ACT.** 1927, c. 92.
- BRAND ACT.** 1919, c. 70.
- BREAD SALES ACT.** R.S.O. 1914, c. 224; 1917, c. 53 am.; 1918, c. 43 am.
- BREWERS.** *See* Distillers' and Brewers' Business Assessment Act.
- BROKERS' REGISTRATION ACT.** 1924, c. 49.

- BROPHY. *See An Act Respecting Certain Bequests of the late George Cummings Butler Dwyer Brophy, 1915, c. 10.*
- BUILDING TRADERS PROTECTION ACT. R.S.O. 1914, c. 228; 1916, c. 13 aff.
- BULK SALES ACT. 1917, c. 33; 1918, c. 20, s. 60 am.; 1927, c. 44 am.
- BUREAU OF LABOUR ACT. 1926, c. 21, s. 9 rep.
- BUREAU OF MUNICIPAL AFFAIRS ACT. 1917, c. 14; 1919, c. 48 am.
- BURIAL GROUNDS. *See Cemetery Act.*
- BURLINGTON BEACH ACT. R.S.O. 1914, c. 53; 1914, c. 2, s. 4 am.; 1921, c. 34 am.; 1926, c. 11 am.
- BUTTER. *See Cheese and Butter Exchanges Act; Dairy; Milk, Cheese and Butter Act.*

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- CANADA COMPANY'S LANDS ACT. 1922, c. 24; 1923, c. 11.
- CANADIAN BANKERS' ASSOCIATION. *See Grain Loans Act.*
- CAPREOL, TOWN OF. *See Municipal Debentures Guarantee Act; Debentures Guarantee Act.*
- CARRIAGE OF LIQUOR ACT. 1922, c. 87; 1927, c. 70 rep.
- CATTLE. *See Brand Act; Protection of Pure Bred Cattle Act.*
- CEMETERIES. *See Cemetery Act; Registry Act.*
- CEMETERY ACT. 1926, c. 63; 1927, c. 85 am.
- CENTRAL ONTARIO POWER ACT. 1916, c. 18.
- CHARITABLE INSTITUTIONS. *See Hospitals and Charitable Institutions Act; Public Institutions Amendment Act; Statute Law Amendment Act, 1914, c. 21, s. 66; 1916, c. 24, s. 46; 1917, c. 27, s. 57.*
- CHARITIES ACCOUNTING ACT. 1915, c. 23; 1916, c. 24, s. 50 am.; 1919, c. 32, s. 5 am.; 1921, c. 47, s. 8 am.
- CHARITY, GIFTS TO PROVINCE FOR PURPOSE OF. 1915, c. 20, s. 25.
- CHARTERED ACCOUNTANTS ACT. R.S.O. 1914, c. 169.
- CHEESE. *See Cheese and Butter Exchanges Act; Consolidated Cheese Factories Act; Dairy Products Act; Milk, Cheese and Butter Act.*
- CHEESE AND BUTTER EXCHANGES ACT. R.S.O. 1914, c. 191.
- CHILDREN. *See Adoption Act; Auxiliary Classes Act; Boys' Welfare Act; Children's Protection Act; Children of Unmarried Parents Act; Deserted Wives' and Children's Maintenance Act; Illegitimate Children's Act; Immigrant Children's Protection Act; Infants Act; Juvenile Courts Act; Legitimation Act; Maternity Boarding Houses Act; Mothers' Allowances Act; Minors' Protection Act.*
- CHILDREN OF UNMARRIED PARENTS ACT. 1921, c. 54; 1927, c. 51 rep. and sub.
- CHILDREN'S PROTECTION ACT OF ONTARIO. R.S.O. 1914, c. 231; 1914, c. 21, ss. 49-52 am.; 1916, c. 53 am.; 1918, c. 20, s. 42 am.; 1919, c. 65 am.; 1922, c. 92 am.; 1924, c. 70, s. 20 rep.; 1927, c. 78 rep. and sub.
- CIRCUS. *See Travelling Shows Act.*
- CITY AND SUBURBS' PLANS ACT. R.S.O. 1914, c. 194; 1917, c. 44 rep.; *See Planning and Development Act.*
- CIVIL SERVICE. *See Public Service.*
- COBALT, TOWN OF. *See School Law Amendment Act, 1919, c. 73, s. 20.*
- COCHRANE, TOWN OF. *See Municipal Debentures Guarantee Act; Debentures Guarantee Acts; District of Cochrane Act.*
- COLLEGE OF ART ACT. 1919, c. 82; 1920, c. 105 aff.
- COLLEGE OF PHYSICIANS AND SURGEONS AND BANTING FOUNDATION ACT. 1927, c. 95.
- COLONIZATION ROADS ACT. R.S.O. 1914, c. 41; 1914, c. 17 aff.; 1920, c. 25 am.; 1926, c. 10, s. 6 aff.; c. 21, s. 10 am.
- COMMISSIONERS FOR TAKING AFFIDAVITS ACT. R.S.O. 1914, c. 77; 1923, c. 23 am.; 1926, c. 25 am.
- COMMISSIONERS OF POLICE FOR COUNTIES. 1914, c. 21, s. 24.
- COMMUNITY HALLS ACT. 1919, c. 55; 1920, c. 72, sub.; 1921, c. 70 am.; 1922, c. 83 am.; 1923, c. 47 am.; 1924, c. 64 am.
- COMPANIES. *See Ontario Companies Act; Extra-Provincial Corporations Act.*

- COMPENSATION.** *See* Industrial and Mining Lands Compensation Act; Workmen's Compensation Act; Workmen's Compensation for Injuries Act; Workmen's Compensation Insurance Act.
- CONDITIONAL SALES ACT.** R.S.O. 1914, c. 136; 1916, c. 24, s. 23 am.; 1925, c. 36 am.; 1927, c. 42 am.
- CONNAUGHT LABORATORIES.** *See* University Aid Act.
- CONSOLIDATED CHEESE FACTORIES ACT.** 1923, c. 16.
- CONSOLIDATED MUNICIPAL ACT.** 1922, c. 72; 1923, c. 41 am.; 1924, c. 53 am.; 1925, c. 44, s. 2 aff., c. 59 am.; 1926, c. 3, s. 23 aff., c. 15, ss. 15, 30, 33, 41, 64, 79 aff., c. 52 am.; c. 62 aff., s. 15 am.
- CONSOLIDATED REVENUE FUND ACT.** R.S.O. 1914, c. 20; *See also* 1914, c. 9; 1915, c. 4; 1916, c. 2; 1917, c. 2; 1918, c. 2; 1919, c. 2; 1920, c. 6; 1921, c. 7; 1922, c. 8; 1923, c. 2; 1924, c. 9; 1925, c. 2, 1926, c. 6.
- CONSOLIDATED SCHOOLS ACT.** 1919, c. 75; 1920, c. 99, ss. 11-14 am.; 1921, c. 89, s. 28 am.; 1922, c. 98, ss. 16, 17 aff., s. 18 am.; 1927, c. 88, s. 4 am.
- CONSTABLES ACT.** 1926, c. 34.
- CONSTABLES: COUNTY POLICE COMMISSIONERS.** 1914, c. 21, s. 24.
- CONSTITUTIONAL QUESTIONS ACT.** R.S.O. 1914, c. 85.
- CONTINUATION SCHOOLS ACT.** R.S.O. 1914, c. 267; 1914, c. 21, s. 58 am.; 1915, c. 43, ss. 3, 4 am.; 1916, c. 24, ss. 37, 38 am.; 1917, c. 27, ss. 47, 48 am.; 1918, c. 51, s. 5 am.; 1919, c. 6 am.; 1920, c. 99, s. 4 am.; 1921, c. 89, ss. 11, 12 am.; 1924, c. 82, s. 14 am.; 1925, c. 78, ss. 20, 21 am., s. 22 aff.; 1927, c. 88, s. 14 am.
- CONTRIBUTORY NEGLIGENCE ACT.** 1924, c. 32.
- CONVEYANCING.** *See* Conveyancing and Law of Property Act; Land Titles Act; Land Transfers Tax Act; Registry Act; Short Forms of Conveyances Act.
- CONVEYANCING AND LAW OF PROPERTY ACT.** R.S.O. 1914, c. 109; 1914, c. 2, s. 4 am.; 1922, c. 53 am.; 1926, c. 21, s. 21 am.
- CO-OPERATIVE CREDIT SOCIETIES ACT.** 1922, c. 64.
- CO-OPERATIVE MARKETING LOAN ACT.** 1920, c. 54.
- CORN BORER ACT.** 1925, c. 74; 1926, c. 61 am.
- CORONERS ACT.** 1926, c. 33.
- CORPORATIONS TAX ACT.** R.S.O. 1914, c. 27; 1914, c. 11 am.; 1915, c. 8 am.; 1916, c. 8 am.; 1920, c. 9 am.; 1921, c. 12 am.; 1922, c. 12 am., c. 13 aff., c. 14 am.; 1924, c. 11 am.; 1925, c. 12 am.; 1927, c. 8 am.
- COSTS OF DISTRESS ACT.** R.S.O. 1914, c. 78.
- COUNTIES REFORESTATION ACT.** R.S.O. 1914, c. 240; 1921, c. 81 am.; 1927, c. 79 am.
- COUNTY BOARD OF POLICE COMMISSIONERS.** 1914, c. 21, s. 24.
- COUNTY COURT JUDGES CRIMINAL COURTS ACT.** R.S.O. 1914, c. 61.
- COUNTY COURTS ACT.** R.S.O. 1914, c. 59; 1914, c. 21, s. 16 am.; 1916, c. 24, s. 7 am.; 1918, c. 21 am.; 1919, c. 25, s. 10 am., s. 44 aff.; 1920, c. 32 am.; 1923, c. 22 am.; 1927, c. 28, s. 5 am.
- COUNTY JUDGES ACT.** R.S.O. 1914, c. 58; 1916, c. 24, s. 6 am.; 1919, c. 26 am.; 1921, c. 37 am.; 1926, c. 21, s. 29 am.; 1927, c. 30 am.
- COUNTY PUBLICITY ACT.** 1914, c. 19.
- COUNTY OF YORK RADIAL RAILWAY ACT.** 1922, c. 34.
- COURTS.** *See* Administration of Justice Expenses Act; County Court Judges Criminal Courts Act; County Courts Act; County Judges Act; Division Courts Act; Dominion Courts Act; Extra-Judicial Services Act; General Sessions Act; Judicature Act; Jurors Act; Justices of the Peace Act; Magistrates Act; Mining Court Act; Police Magistrates Act; Privy Council Appeals Act; Surrogate Courts Act.
- CREAM.** *See* Cream and Milk Purchase Act; Cream Purchases Act; Dairy Products Act; Dairy Standards Act; Milk and Cream Act.
- CREAM AND MILK PURCHASE ACT.** 1920, c. 85; 1927, c. 77 rep. and sub.
- CREAM PURCHASES.** *See* Cream and Milk Purchases Act.
- CREDITORS' RELIEF ACT.** R.S.O. 1914, c. 81; 1926, c. 21, s. 19 am.
- CROWN ADMINISTRATION OF ESTATES ACT.** R.S.O. 1914, c. 73; 1918, c. 20, s. 17 am.; 1919, c. 32, s. 2 am.; 1921, c. 47, s. 9 am.; 1927, c. 36, s. 10 (4) aff.

- CROWN ATTORNEYS.** *See* Crown Attorneys Act: Toronto and York Crown Attorneys Act
CROWN ATTORNEYS ACT. 1926, c. 32.
CROWN LANDS. *See* Returned Soldiers' and Sailors' Land Settlement Act; Veterans' Land Grant Act; Veterans' Land Grant Amendment Act.
CROWN TIMBER ACT. R.S.O. 1914, c. 29; 1914, c. 12 aff.; 1915, c. 20, s. 4 am.; 1916, c. 24, s. 48 am.; 1919, c. 11 aff.; 1920, c. 14 aff.; 1924, c. 16 am.
CROWN TIMBER. *See* Purchase of Timber Limits of Pembroke Lumber Company.
CROWN WITNESSES ACT. 1926, c. 36.
CULLERS. *See* Ontario Cullers Act.
CULTIVATION. *See* Vacant Land Cultivation Act.
CURRENT RATE OF INTEREST ACT. 1917, c. 8; 1921, c. 8 am.; 1927, c. 28, s. 32 rep.
CUSTODY OF DOCUMENTS ACT. R.S.O. 1914, c. 125; 1916, c. 24, s. 21 am.; 1918, c. 20, s. 24 am.
CUSTODY OF RECORDS. 1916, c. 25.

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- DAIRY.** *See* An Act to Incorporate the Ontario Co-operative Dairy Products, Limited; Consolidated Cheese Factories Act; Dairy Products Act; Dairy Standards Act; Milk and Cream Act.
DAIRY PRODUCTS ACT. 1926, c. 60; 1927, c. 77 rep. and sub.
DAIRY STANDARDS. *See* Dairy Products Act.
DAMAGE BY FLOODING ACT. R.S.O. 1914, c. 86; 1926, c. 21, s. 20 rep.
DAMAGE BY FUMES ARBITRATION ACT. 1924, c. 76.
DEBENTURES. *See* Township of Whitney Debentures Act.
DEBENTURES' GUARANTEE ACTS. 1919, c. 4; 1920, c. 7; 1923, c. 6.; 1924, c. 3; 1925, c. 3 am. c. 4.
DEBT COLLECTORS ACT. R.S.O. 1914, c. 227; 1927, c. 28, s. 24 am.
DECLARATORY ACT. 1922, c. 13; 1927, c. 29, s. 7 (2) aff.
DEFINITION OF TIME ACT. R.S.O. 1914, c. 132; 1918, c. 20, s. 25 am.
DENTISTRY ACT. 1926, c. 46; 1927, c. 28, s. 38 am.
DEPARTMENT OF AGRICULTURE ACT. 1926, c. 19.
DEPARTMENT OF EDUCATION ACT. R.S.O. 1914, c. 265; 1915, c. 43, s. 2 am., c. 45, s. 1 aff.; 1916, c. 24, s. 34 am.; 1917, c. 27, ss. 38-40 am.; 1918, c. 51, s. 2; 1919, c. 73, ss. 2-6 am.; 1920, c. 99, ss. 2, 3 am.; 1921, c. 89, ss. 2, 3 am.; 1922, c. 98, ss. 2, 3 am.; 1924, c. 82, s. 2 am.. c. 83, s. 2 am.; 1925, c. 78, s. 2 am.; 1926, c. 66 am.; 1927, c. 88, s. 2 am.
DEPARTMENT OF HEALTH. 1924, c. 69; 1925, c. 68 am.; 1927, c. 73 rep. and sub.
DEPARTMENT OF LABOUR ACT. 1919, c. 22; 1921, c. 77 am.; 1927, c. 27 rep. and sub.
DEPARTMENT OF MINES ACT. 1920, c. 12.
DESERTED WIVES' MAINTENANCE ACT. *See* Deserted Wives' and Children's Maintenance Act.
DESERTED WIVES' AND CHILDREN'S MAINTENANCE ACT. 1922, c. 57; 1923, c. 32 am.; 1927, c. 48 rep. and sub.
DEVOLUTION OF ESTATES ACT. R.S.O. 1914, c. 119; 1918, c. 20, s. 22 am.; 1919, c. 28 am.; 1921, c. 47, s. 6 am.; 1926, c. 38 am.; 1927, c. 35 am.
DISQUALIFICATION ACT. 1919, c. 6; 1922, c. 3 am.
DISTILLERS' AND BREWERS' BUSINESS ASSESSMENT TAX ACT. 1920, c. 79.
DISTRICT COURT HOUSES ACT. R.S.O. 1914, c. 294.
DISTRICT HOUSES OF REFUGE ACT. R.S.O. 1914, c. 291; 1919, c. 83, s. 12 am.; 1922, c. 104 am.
DISTRICT OF COCHRANE ACT. 1922, c. 2; 1925, c. 34 am.
DITCHES AND WATERCOURSES ACT. R.S.O. 1914, c. 260; 1917, c. 56 am.; 1918, c. 47 am.; 1924 c. 79 am.
DIVISION COURTS ACT. R.S.O. 1914, c. 63; 1914, c. 2, s. 4 am., c. 21, s. 17 am.; 1916, c. 26 am.; 1917, c. 27, s. 20 am.; 1918, c. 20, s. 16 am.; 1920, c. 34 am.; 1921, c. 38 am.; 1922, c. 45 am.; 1927, c. 32 am.
DOG TAX AND SHEEP PROTECTION ACT. 1926, c. 62.
DOMINION COMMISSIONERS OF POLICE ACT. R.S.O. 1914, c. 93.
DOMINION COURTS ACT. R.S.O. 1914, c. 55.
DOMINION HOSPITALS FOR SOLDIERS ACT. 1920, c. 108.
DOMINION ORTHOPÆDIC HOSPITAL, LANDS VESTED IN CROWN. 1918, c. 20, s. 71.

DOMINION TITLE TO INDIAN LANDS ACT. 1915, c. 12.

DOWER ACT. R.S.O. 1914, c. 70; 1926, c. 21, s. 15 am.

DRAINAGE. *See* Ditches and Watercourses Act; Municipal Drainage Act; Municipal Drainage Aid Act; Provincial Aid to Drainage Act; Tile Drainage Act.

DRUGLESS PRACTITIONERS ACT. 1925, c. 49.

DWELLING HOUSES. *See* Housing Accommodation Act; Municipal Housing Act; Ontario Housing Act.

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EAST SIMCOE AGRICULTURAL SOCIETY. 1919, c. 25, s. 6.

EDUCATION. *See* Adolescent School Attendance Act; Agricultural College Act; Auxiliary Classes Act; Boards of Education Act; Boys' Welfare Act; College of Art Act; Consolidated Schools Act; Continuation Schools Act; Department of Education Act; Disqualification Act; French Scholarship Act; High Schools Act; Industrial Education Act; Industrial Schools Act; Mining Schools Act; Ottawa Separate Schools Act; Salaries to certain officers, 1916, c. 24, s. 40; 1918, c. 20, s. 62; School Attendance Act; Schools for the Deaf and Blind Act; School Law Amendment Acts; School Sites Act; Separate Schools Act; Special Classes Act; Teachers' and Inspectors' Superannuation Act; Technical Education Act; Toronto Board of Education Act; Truancy Act; University Act; University Aid Act; Upper Canada College Act; Veterinary College Act; Vocational Education Act; Westminster Continuation School Act; Women's Rural School Board Qualification Act.

EGRESS FROM PUBLIC BUILDINGS ACT. R.S.O. 1914, c. 235.

ELECTIONS. *See* Election Law Amendment Act; Disqualification Act; Municipa' Act; Municipal Franchise Act; Ontario Controverted Elections Act; Ontario Election Act; Political Contributions Act; Punishment for Personation Act; Railway Employees' and Commercial Travellers' Voting Act; Voters' Lists Act; Women's Assembly Qualification Act; Women's Municipal Franchise Act; Women's Municipal Qualification Act.

ELECTION LAW AMENDMENT ACT. 1914, c. 5; 1916, c. 6; 1917, c. 5, s. 57, c. 6 am.; 1920, c. 2 am.; 1921, c. 2, s. 3 am.; 1922, c. 4, s. 4 am.; 1923, c. 3 am.; 1924, c. 4.

EMBALMERS AND UNDERTAKERS ACT. R.S.O. 1914, c. 174; 1914, c. 21, ss. 35, 36 am.

EMPLOYMENT AGENCIES ACT. 1917, c. 37 rep.; 1919, c. 38 am.; 1927, c. 56 rep. and sub.

ENGINEERS. *See* Professional Engineers' Act; Stationary and Hoisting Engineers Act.

ENGLEHART, TOWN OF. *See* Debentures Guarantee Act, 1924, c. 3; Debentures Guarantee Act, 1925.

ENROLMENT OF STALLIONS. *See* Ontario Stallion Act.

ENTRY OF HORSES AT EXHIBITION ACT. R.S.O. 1914, c. 226.

ESCHEATS ACT. R.S.O. 1914, c. 104; 1919, c. 32, s. 3 am.

ESTATES TAIL ACT. R.S.O. 1914, c. 113; 1914, c. 2, s. 4 am.

ESTREATS ACT. R.S.O. 1914, c. 98.

EVIDENCE. *See* Evidence Act; Soldiers' and Sailors' Proof of Death Act.

EVIDENCE ACT. R.S.O. 1914, c. 76; 1916, c. 24, ss. 11-13 am.; 1917, c. 27, s. 68 am.; 1926, c. 21, s. 18 am.

EXECUTION ACT. R.S.O. 1914, c. 80; 1914, c. 21, s. 20 am.; 1915, c. 20, s. 10 am.; 1927, c. 28, s. 6 am.

EXECUTION OF TRUSTS ACT. 1916, c. 29.

EXECUTIVE COUNCIL ACT. R.S.O. 1914, c. 13; 1918, c. 20, s. 6 am.; 1919, c. 22, s. 3 am.; 1920, c. 12, s. 3 am.; 1924, c. 69, s. 7 am.; 1925, c. 9 am.

EXEMPTION. *See* Firemen's Exemption Act.

EXPENSES. *See* Administration of Justice Expenses Act.

EXPORT OF PULPWOOD ACT. 1914, c. 12; 1915, c. 20, s. 4 am.; 1916, c. 24, s. 48 am.; 1919, c. 11; 1920, c. 14.

EXTRA-JUDICIAL SERVICES ACT. R.S.O. 1914, c. 57.

EXTRA-PROVINCIAL CORPORATIONS ACT. R.S.O. 1914, c. 179; 1914, c. 21, s. 38 am.; 1918, c. 20, s. 31 am.

EXTRA-MURAL EMPLOYMENT OF SENTENCED PERSONS ACT. 1921, c. 93; 1923, c. 57 am.; 1927, c. 28, s. 35 am.

- FACTORS ACT. R.S.O. 1914, c. 137; 1920, c. 40, s. 59.
- FACTORY, SHOP AND OFFICE BUILDING ACT. R.S.O. 1914, c. 229; 1914, c. 2, s. 4, c. 40 am.; 1916, c. 13, s. 9 aff.; 1918, c. 44 am.; 1919, c. 64 am.; 1920, c. 86 am.; 1921, c. 76 am.; 1925, c. 70 am.
- FAIRS. *See* Royal Agricultural Winter Fair Association and City of Toronto Act, 1926.
- FARM LOANS. *See* Ontario Farm Loans Act, Agricultural Development Act.
- FATAL ACCIDENTS ACT. R.S.O. 1914, c. 151.
- FEDERAL GRANTS FOR AGRICULTURAL PURPOSES. 1915, c. 20, s. 7 am.
- FEES. *See* Public Officers' Fees Act.
- FEMALE PATIENTS' AND PRISONERS' PROTECTION ACT. R.S.O. 1914, c. 232.
- FEMALE REFUGES ACT. 1919, c. 84; 1927, c. 28, s. 33 am.
- FENCES. *See* Line Fences Act; Snow Fences Act.
- FERRIES ACT. R.S.O. 1914, c. 127.
- FINES AND FORFEITURES ACT. 1926, c. 37.
- FIRE. *See* Accidental Fires Act; Fire Accidents Act; Fire Departments Act; Fire Guardians Act; Fire Marshals Act; Fires Extinguishment Act; Forest Fires Prevention Act; Northern Fire Relief Act; Northern Ontario Fire Relief Committee Act; Prevention of Accidents by Fire in Hotels Act; Railway Fire Charge Act.
- FIRE ACCIDENTS ACT. 1915, c. 41.
- FIRE DEPARTMENTS ACT. 1927, c. 65.
- FIRE DEPARTMENTS HOURS OF LABOUR ACT. 1920, c. 88; 1927, c. 65 rep. and sub.
- FIRE DEPARTMENTS TWO PLATOON ACT. 1921, c. 80; 1927, c. 65 rep. and sub.
- FIRE GUARDIANS ACT. R.S.O. 1914, c. 242.
- FIRE MARSHALS ACT. 1914, c. 41; 1916, c. 55 am.; 1917, c. 55 am.; 1919, c. 67 am.; 1920, c. 90 am.; 1923, c. 53 am.; 1927, c. 28, s. 30 am.
- FIREMEN. *See* Fire Departments Hours of Labour Act; Fire Departments Two Platoon Act; Firemen's Exemption Act.
- FIREMEN'S EXEMPTION ACT. R.S.O. 1914, c. 201.
- FIRES EXTINGUISHMENT ACT. R.S.O. 1914, c. 243.
- FISH SALES ACT. 1918, c. 49.
- FOREST. *See* Forest Fires Prevention Act; Forest Reserves Act; Private Forest Reserves Act; Forestry Act.
- FOREST FIRES PREVENTION ACT. 1917, c. 54; 1918, c. 45 am.; 1924, c. 71 am.; 1925, c. 71 am.; 1927, c. 28, s. 31 am.
- FOREST RESERVES ACT. R.S.O. 1914, c. 30.
- FORESTRY ACT. 1927, c. 12.
- FORT WILLIAM AND PORT ARTHUR BOUNDARIES ACT. 1919, c. 33.
- FORT WILLIAM LAND TITLES AND REGISTRY OFFICE ACT. 1917, c. 32.
- FORT WILLIAM—RATIFICATION WITH PORT ARTHUR AS TO STREET RAILWAY. 1917, c. 27, s. 71.
- FOUL BROOD ACT. R.S.O. 1914, c. 258; 1920, c. 95 am.; 1924, c. 77 am.; 1925, c. 73 am.
- FOXES AND FUR-BEARING ANIMALS. 1919, c. 71; 1926, c. 65 am.
- FRAUD. *See* Fraudulent Conveyances Act; Fraudulent Debtors' Arrest Act; Fruit Sales Act; Statute of Frauds.
- FRAUDULENT CONVEYANCES ACT. R.S.O. 1914, c. 105.
- FRAUDULENT DEBTORS' ARREST ACT. R.S.O. 1914, c. 83.
- FRENCH SCHOLARSHIPS ACT. 1920, c. 103.
- FRUIT PACKING ACT. 1922, c. 90.
- FRUIT PEST ACT. R.S.O. 1914, c. 254; 1927, c. 28, s. 28 am.
- FRUIT SALES ACT. R.S.O. 1914, c. 225.
- FRUIT AND VEGETABLES CONSIGNMENT ACT. 1927, c. 83.
- FUEL SUPPLY ACT. 1918, c. 13; 1920, c. 12, s. 11 aff.
- FULFORD, GEORGE TAYLOR. 1915, c. 11.
- FUR-BEARING ANIMALS. *See* Foxes and Fur-Bearing Animals Act.

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- GAME. *See* Gaming Act; Ontario Game and Fisheries Act.
- GAMING ACT. R.S.O. 1914, c. 217.
- GAOLS ACT. R.S.O. 1914, c. 293.
- GASOLINE TAX ACT. 1925, c. 28.
- GAS WELLS. *See* Well Drillers' Act.
- GENERAL PURCHASING AGENTS ACT. 1918, c. 7.
- GENERAL SESSIONS ACT. R.S.O. 1914, c. 60; 1918, c. 20, s. 15 am.; 1922, c. 43 am.
- GERMANY: PAYMENT OUT OF COURT OR BY EXECUTORS. 1914, c. 21, s. 67 am.
- GINSENG ACT. R.S.O. 1914, c. 256.
- GOODS. *See* Sale of Goods Act.
- GOVERNMENT STOCK. *See* Provincial Loans Act.
- GRAIN LOANS ACT. 1919, c. 3.
- GRAIN TRADE INQUIRY ACT. 1923, c. 17.
- GREATER WINNIPEG WATER DISTRICT ACT. 1916, c. 17.
- GUARANTEE COMPANIES' SECURITIES ACT. R.S.O. 1914, c. 190.
- GUARANTEE OF MUNICIPAL AND SCHOOL DEBENTURES. *See* Debentures Guarantee Act; Municipal Debentures Guarantee Act.
- GUARDIANSHIP. *See* Infants' Act.
- GUELPH RAILWAY ACT. 1921, c. 22; 1923, c. 40 am.

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- HABEAS CORPUS. *See* Ontario Habeas Corpus Act.
- HAILEYBURY, TOWN OF. *See* Debentures Guarantee Act, 1924, c. 3.
- HALIBURTON ACT. R.S.O. 1914, c. 4.
- HALTON—HIGHWAY SCHEME FOR EXEMPTION OF CERTAIN MUNICIPALITIES. 1918, c. 20, s. 6².
- HEALTH. *See* One Day's Rest in Seven Act; Public Health Act; Vaccination Act; Venereal Diseases' Prevention Act.
- HEALTH DEPARTMENT ACT. 1924, c. 69; 1925, c. 68 am.; 1927, c. 73 rep.
- HIGH SCHOOLS ACT. R.S.O. 1914, c. 268; 1914, c. 21, ss. 59, 60 am.; 1915, c. 43, ss. 5-8 am.; 1916, c. 24, ss. 39, 40 am.; 1917, c. 27, ss. 48, 49 am.; 1918, c. 51, ss. 4, 5 am.; 1919, c. 6, s. 2 aff., c. 73, s. 17 am.; 1920, c. 99, ss. 5, 6 am.; 1921, c. 89, ss. 13-16 am.; 1922, c. 98, ss. 19-21 am.; 1924, c. 82, ss. 16, 17 am.; 1925, c. 78, ss. 8-13, 16-19 am., s. 22 aff.; 1926, c. 67, ss. 5, 6 am.; 1927, c. 88, ss. 8-12 am.
- HIGHWAY. *See* Carriage of Liquor Act; Colonization Roads Act; Highway Improvement Act; Highway Traffic Act; Highway Travel Act; Load of Vehicles Act; Obstructions on Highways Removal Act; Ontario Highways Act; Provincial Highway Act; Public Service Works on Highways Act; Public Commercial Vehicles Act; Public Vehicles Act; Road Construction; Snow Fences Act; Snow Roads Act; Statute Labour Act; Toronto and Hamilton Highway Commission Act; Traction Engines Act; Tree Planting Act.
- HIGHWAY—*Re* INDEMNIFICATION OF MEMBER OF ASSEMBLY SERVING ON HIGHWAY COMMISSION. 1916, c. 24, s. 49; 1926, c. 15, s. 12 aff.
- HIGHWAY—*Re* PAYMENT OF MEMBERS OF HIGHWAY COMMISSION. 1914, c. 21, s. 69; 1916, c. 24, s. 49; 1926, c. 15, s. 12 aff.
- HIGHWAY—*Re* SPECIAL GRANTS IN AID OF PERMANENT ROADWAYS. 1917, c. 27, s. 70.
- HIGHWAY IMPROVEMENT ACT. 1926, c. 15; 1927, c. 22 am.
- HIGHWAY TRAFFIC ACT. 1923, c. 48.; 1924, c. 62 am.; 1925, c. 65 am.; 1926, c. 15, s. 72 (2) aff.; c. 58 am., c. 59, s. 7 aff.; 1927, c. 66 am.
- HIGHWAY TRAVEL. *See* Highway Traffic Act.
- HORSES. *See* Entry of Horses at Exhibition Act. Ontario Stallion Act.
- HORTICULTURAL SOCIETIES ACT. R.S.O. 1914, c. 48; 1916, c. 24, s. 4 am.; 1917, c. 26 am.; 1919, c. 21 am.; 1925, c. 31 am.
- HOSPITALS. *See* An Act to Confer Certain Powers Respecting Hospitals on the Lieutenant-Governor in Council; Hospitals and Charitable Institutions Act; Hospitals for Epileptics

Act; Hospitals for the Insane Act; Public Institutions Amendment Act; Reception Hospitals for the Insane Act; Sanatoria for Consumptives Act; Psychiatric Hospitals Act; Private Sanitarium Act.

HOSPITALS AND CHARITABLE INSTITUTIONS ACT. R.S.O. 1914, c. 300; 1914, c. 21, s. 66 am.; 1916, c. 24, s. 46 am.; 1917, c. 27, s. 57 am.; 1919, c. 83, ss. 6-8 am.; 1920, c. 107 am.; 1922, c. 60, s. 5 am.; 1926, c. 73 am.; 1927, c. 97 am.

HOSPITALS FOR EPILEPTICS ACT. 1914, c. 55; 1919, c. 83, s. 5 am.

HOSPITALS FOR THE INSANE ACT. R.S.O. 1914, c. 295; 1914, c. 53, c. 54 am.; 1916, c. 64 am.; 1919, c. 32, s. 4, c. 83, s. 2 am.; 1920, c. 10 aff.; 1924, c. 86 am.; 1926, c. 71, s. 13 (1) (a) aff.; 1927, c. 96 am.

HOTELS. *See* Innkeepers' Act; Prevention of Fire in Hotels Act; Standard Hotel Registration Act.

HOTELS ACT. 1924, c. 66; 1927, c. 70 rep.

HOURS OF LABOUR. *See* Factory, Shop and Office Building Act; Fire Departments' Hours of Labour Act; Mining Act of Ontario; Municipal Act; One Day's Rest in Seven Act; Ontario Railway Act.

HOUSES OF REFUGE ACT. R.S.O. 1914, c. 290; 1914, c. 21, s. 65 am.; 1919, c. 83, s. 11 am.

HOUSING. *See* Municipal Housing Act; Ontario Housing Act; Housing Adjustment Act.

HOUSING ACCOMMODATION ACT. R.S.O. 1914, c. 220; 1914, c. 21, s. 48 am.; 1927, c. 28, s. 23 rep.

HOUSING ADJUSTMENT ACT. 1927, c. 74.

HYDRO-ELECTRIC. *See* Central Ontario Power Act; Hydro-Electric Negligence Act; Hydro-Electric Railway Act; Municipal Electric Railway Act; Ontario Niagara Development Act; Power Commission Act; Rural Hydro-Electric Distribution Act; Water Powers' Regulation Act; Power Commission Insurance Act.

HYDRO-ELECTRIC NEGLIGENCE ACT. 1923, c. 39.

HYDRO-ELECTRIC RAILWAY ACT. R.S.O. 1914, c. 187; 1914, c. 2, s. 4 am., c. 31 rep.; 1915, c. 32 am.; 1916, c. 19, s. 5 aff., c. 37 am.; 1917, c. 27, s. 32 am.; 1919, c. 45 am.; 1920, c. 57 am.; 1922, c. 69, s. 29 rep.; 1924, c. 26; 1925, c. 57, s. 2 am., ss. 3-5 aff.; 1926, c. 18, ss. 2, 3 aff.; 1927, c. 57 am.

I

ILLEGITIMATE CHILDREN'S ACT. 1921, c. 54

IMMIGRANT CHILDREN'S PROTECTION ACT. 1924, c. 70.

INDIAN LANDS ACT. 1924, c. 15.

INDUSTRIAL AND MINING LANDS COMPENSATION ACT. 1918, c. 11.

INDUSTRIAL EDUCATION. *See* Vocational Education Act.

INDUSTRIAL FARMS ACT. R.S.O. 1914, c. 292; 1914, c. 52 am.

INDUSTRIAL SCHOOLS ACT. R.S.O. 1914, c. 271; 1914, c. 48 am.; 1916, c. 24, s. 42 am.; 1918, c. 20, s. 49 am.; 1920, c. 104 am.; 1925, c. 79 aff.; 1927, c. 91 am.

INFANTS. *See* Children.

INFANTS ACT. R.S.O. 1914, c. 153; 1915, c. 20, s. 16 am.; 1923, c. 33 am.; 1927, c. 50 rep. and sub.

INJURED ANIMALS ACT. R.S.O. 1914, c. 248.

INNKEEPERS ACT. R.S.O. 1914, c. 173.

INSANE. *See* Dominion Hospitals for Soldiers Act; Hospitals for the Insane Act; Reception Hospitals for the Insane Act; Psychiatric Hospitals Act.

INSPECTION. *See* Ontario Public Trustee Act; Prisons' and Public Charities' Inspection Act; Public Institutions' Amendment Act.

INSURANCE. *See* Ontario Insurance Act; Payment of Insurance on Lives of Soldiers Act; Reciprocal Insurance Act; Workmen's Compensation Insurance Act; Power Commission Insurance Act.

INTERPRETATION ACT. R.S.O. 1914, c. 1; 1925, c. 5 am.; 1926, c. 21, s. 2 am.; 1927, c. 28, s. 2 am.

INTESTATE SUCCESSION. *See* Devolution of Estates Act; Land Titles Act; Succession Duty Act.

INTOXICATING LIQUOR. *See* Ontario Temperance Act.

IRON ORE BOUNTY ACT. 1924, c. 19.

ITALY—PAYMENT OUT OF COURT OR BY EXECUTOR. 1914, c. 21, s. 67.

J

- JUDGES' ORDERS' ENFORCEMENT ACT. 1926, c. 26.
- JUDICATURE ACT. R.S.O. 1914, c. 56; 1914, c. 21, ss. 15, 67 am.; 1915, c. 20, s. 9 am.; 1916, c. 24, s. 5 am.; 1917, c. 27, ss. 17-19 am.; 1919, c. 25, ss. 8, 9, 44 am.; 1922, c. 42 am.; 1923, c. 21 am.; 1924, c. 30 am.; 1926, c. 22 am.; 1927, c. 29 am.
- JURORS ACT. R.S.O. 1914, c. 64; 1914, c. 21, ss. 18, 19 am.; 1916, c. 24, ss. 8, 9 am.; 1918, c. 23 am.; 1920, c. 35 am.; 1922, c. 46 am.; 1926, c. 24 am.
- JURY TRIALS ACT. 1922, c. 42; 1927, c. 29, s. 11 aff.
- JUSTICES OF THE PEACE ACT. 1926, c. 28; c. 29, s. 13 (2) aff.
- JUVENILE COURTS ACT. 1916, c. 54; 1919, c. 25, ss. 35, 44 am.; 1927, c. 33 rep. and sub.

K

KAPUSKASING, TOWN OF. *See* An Act to incorporate the Town of Kapuskasing; Debentures Guarantee Act, 1924.

KINGSTON AND FRONTENAC REGISTRY ACT. 1925, c. 40.

KING'S PRINTER ACT. 1921, c. 5.

L

LABOUR. *See* Labour Department Act; Employment Agencies Act; Factory, Shop and Office Building Act; Minimum Wage Act; One Day's Rest in Seven Act; Stationary and Hoisting Engineers Act; Steam Boiler Act; Workmen's Compensation for Injuries Act.

LABOUR DEPARTMENT ACT. 1927, c. 27.

LAKE HURON AND NORTHERN ONTARIO RAILWAY COMPANY ACT. 1913, c. 134; 1915, c. 20, s. 26 am.; 1919, c. 25, s. 41; 1921, c. 131.

LAKE OF THE WOODS CONTROL BOARD ACT. 1922, c. 21.

LAKES AND RIVERS IMPROVEMENT ACT. 1927, c. 40.

LAND. *See* Indian Lands Act; Land Titles Act; Land Transfers Tax Act; Northern and Northwestern Ontario Development Act; Northern Ontario Development Act; Provincial Land Tax Act; Public Lands Act; Registry Act; Returned Soldiers' and Sailors' Land Settlement Act; Veteran's Land Grant Act; Veterans' Land Grant Amendment Act.

LAND TITLES ACT. R.S.O. 1914, c. 126; 1914, c. 24 am.; 1915, c. 20, s. 14 am.; 1916, c. 11, s. 5 am.; 1917, c. 31, c. 32 am.; 1918, c. 28 am.; 1922, c. 54 am.; 1923, c. 28 am.; 1925, c. 41 am.; 1927, c. 39 am.

LAND TRANSFERS TAX ACT. 1921, c. 13; 1922, c. 15 am.; 1923, c. 4 am.; 1924, c. 12 am.

LANDLORD AND TENANT ACT. R.S.O. 1914, c. 155; 1914, c. 2, s. 4 am.; 1923, c. 34 am.; 1924, c. 42 am.; 1925, c. 47 am.

LANDS. *Re* CERTAIN LANDS VESTED IN HIS MAJESTY IN THE RIGHT OF THE DOMINION OF CANADA. 1918, c. 20, s. 71; The University Lands Act, 1926, c. 14.

LAW SOCIETY ACT. R.S.O. 1914, c. 157; 1914, c. 2, s. 4 am.; 1915, c. 26 am.; 1916, c. 33 am.; 1919, c. 36 am.; 1927, c. 28, s. 11 am.

LAW STAMPS ACT. R.S.O. 1914, c. 25; 1926, c. 21, s. 5 am.

LEASES. *See* Short Forms of Leases Act.

LEGISLATION, UNIFORMITY OF—EXPENSES OF COMMISSIONERS. 1918, c. 20, s. 65.

LEGISLATIVE ASSEMBLY, SPECIAL GRANTS. Arthur H. Sydere, 1918, c. 20, s. 63; Frederick J. Glackmeyer, 1918, c. 20, s. 63; Joseph M. Delamere, 1919, c. 25, ss. 43, 44.

LEGISLATIVE ASSEMBLY ACT. R.S.O. 1914, c. 11; 1914, c. 7 am., c. 21, s. 69 am.; 1916, c. 3, s. 8 aff., c. 4, s. 6 aff.; 1917, c. 27, s. 9 am.; 1918, c. 4 aff., c. 20 ss. 4, 5 am.; 1919, c. 8, s. 3 am., c. 25, ss. 4, 44 am.; 1920, c. 3 am.; 1924, c. 5 am., c. 6, s. 4 am.; 1925, c. 8, ss. 2, 4 am., s. 3 aff.; 1926, c. 5 am., c. 15, s. 12 aff.

LEGISLATIVE ASSEMBLY EXTENSION ACT. 1918, c. 4.

LEGISLATIVE LIBRARY. Appointment of librarian, 1917, c. 27, s. 10; payment for books ordered by committee, 1917, c. 27, s. 11.

LEGISLATIVE SECRETARY FOR NORTHERN ONTARIO ACT. 1924, c. 6; 1926, c. 5, s. 3 am.

LEGITIMATION ACT. 1921, c. 53; 1927, c. 52 rep. and sub.

- LENNOX AGRICULTURAL SOCIETY. 1919, c. 25, s. 7.
 LIBEL AND SLANDER ACT. R.S.O. 1914, c. 71; 1924, c. 31 am.
 LIBRARIES *See* Public Libraries Act.
 LIEUTENANT-GOVERNORS ACT. R.S.O. 1914, c. 12.
 LIGHTNING ROD ACT. 1921, c. 84.
 LIMITATIONS ACT. R.S.O. 1914, c. 75; 1916, c. 24, s. 10 am.; 1922, c. 47 am.; 1926, c. 21, s. 17 am.
 LIMITED PARTNERSHIP ACT. R.S.O. 1914, c. 138.
 LINE FENCES ACT. R.S.O. 1914, c. 259; 1921, c. 83; 1922, c. 96 am.; 1927, c. 84 am.
 LIQUOR CONTROL ACT. 1927, c. 70.
 LIQUOR LICENSE. *See* Ontario Temperance Act.
 LIQUOR TRAFFIC. *See* Liquor Control Act.
 LIQUOR TRANSPORTATION ACT. 1920, c. 80; 1927, c. 70 rep.
 LIVE STOCK AND PRODUCTS ACT. 1927, c. 82.
 LOAD OF VEHICLES. *See* Highway Traffic Act.
 LOAN AND TRUST CORPORATIONS ACT. R.S.O. 1914, c. 184; 1914, c. 2, s. 4, c. 21, s. 39 am.; 1917, c. 27, s. 30 am.; 1918, c. 20, ss. 35, 36 am.; 1919, c. 42 am.; 1921, c. 61 am.; 1922, c. 63 am.; 1925, c. 55 am.; 1926, c. 50 am.; 1927, c. 60 am.
 LOANS. *See* Agricultural Development Act; Agricultural Development Finance Act; Co-operative Marketing Loan Act; Loan and Trust Corporations Act; Ontario Farm Loans Act; Ontario Loan Acts; Provincial Loans Act.
 LOCAL IMPROVEMENT ACT. R.S.O. 1914, c. 193; 1914, c. 21, ss. 41-43 am.; 1915, c. 35 am.; 1919, c. 49 am.; 1921, c. 64 am.; 1922, c. 72, s. 296(4) aff., c. 75, c. 76 am.; 1923, c. 42 am.; 1924, c. 57 am.; 1925, c. 61 am.; 1926, c. 53 am.; 1927, c. 62 sup.
 LONG POINT PARK ACT. 1921, c. 35.
 LUNACY ACT. R.S.O. 1914, c. 68.
 LUXURY TAX ACT. 1925, c. 14.

M

- MAGISTRATES' ACT. 1926, c. 29; 1927, c. 28, s. 40 am.
 MANHOOD SUFFRAGE REGISTRATION. *See* Ontario Voters' Lists Act.
 MANUFACTURERS. *See* Bread Sales Act.
 MARKETING. *See* Co-operative Marketing Loan Act; Fruit and Vegetable Consignment Act.
 MARRIAGE ACT. R.S.O. 1914, c. 148; 1914, c. 21, s. 33 am.; 1916, c. 32 am.; 1919, c. 35 am.; 1921, c. 51 am.; 1925, c. 45 am.; 1926, c. 43 am.; 1927, c. 47 rep. and sub.
 MARRIED WOMEN'S CONVEYANCES ACT. R.S.O. 1914, c. 150.
 MARRIED WOMEN'S PROPERTY ACT. R.S.O. 1914, c. 149; 1926, c. 44 rep. and sub.; 1927, c. 28, s. 36 am.
 MASTER AND SERVANT ACT. R.S.O. 1914, c. 144; 1914, c. 21, s. 32 am.; 1924, c. 40 am.
 MATERNITY BOARDING HOUSES ACT. R.S.O. 1914, c. 230.
 MATHESON. *See* Debentures Guarantee Act; Municipal Debentures Guarantee Act.
 MECHANICS' AND WAGE-EARNERS' LIEN ACT. 1923, c. 30.
 MEDICAL PROFESSION. *See* Ontario Medical Act; Banting and Best Medical Research Act.
 MERCANTILE LAW AMENDMENT ACT. R.S.O. 1914, c. 133.
 METAL. *See* Unwrought Metal Sales Act.
 METAL REFINING BOUNTY ACT. R.S.O. 1914, c. 33; 1918, c. 10 am.; 1920, c. 12, s. 11 aff.; 1926, c. 21, s. 7 rep.
 MIGRATORY BIRDS. *See* Protection of Birds Act; Bird Protection Act.
 MILK. *See* Cream and Milk Purchase Act; Cream Purchase Act; Dairy Products Act; Milk and Cream Act; Milk, Cheese and Butter Act.
 MILK ACT. R.S.O. 1914, c. 221; 1919, c. 25, s. 31 am.; 1927, c. 75 rep. and sub.
 MILK AND CREAM ACT. 1927, c. 75.
 MILK, CHEESE AND BUTTER ACT. R.S.O. 1914, c. 222; 1927, c. 76 am.
 MILLERS ACT. R.S.O. 1914, c. 128; 1926, c. 21, s. 22 rep.
 MILLS LICENSING ACT. 1924, c. 17.
 MINIMUM WAGE ACT. 1920, c. 87; 1921, c. 78 am.; 1922, c. 91 am.

- MINING.** *See* Canada Company's Lands Act; Damage by Fumes Arbitration Act; Department of Mines Act; Industrial and Mining Lands Compensation Act; Mining Act of Ontario; Metal Refining Bounty Act; Mining Court Act; Mining Schools Act; Mining Tax Act; Mining Tax Titles Validity Act; Radium Act; Unwrought Metal Sales Act; Red Lake Mining Division Act.
- MINING ACT OF ONTARIO.** R.S.O. 1914, c. 32; 1914, c. 2, s. 4 am., c. 14 am.; 1915, c. 13 am.; 1916, c. 12 am.; 1917, c. 11 am.; 1918, c. 9 am.; 1919, c. 12, c. 13, s. 10 am.; 1920, c. 12, c. 13 am.; 1921, c. 16 am.; 1922, c. 22 am.; 1924, c. 18 am., c. 19, s. 6 aff., c. 21, s. 10 rep.; 1925, c. 20 am.; 1926, c. 8, s. 3 aff., c. 12, ss. 4, 5 aff.; 1927, c. 15, rep. and sub.
- MINING COURT ACT.** 1924, c. 21.
- MINING SCHOOLS ACT.** R.S.O. 1914, c. 283.
- MINING TAX ACT.** R.S.O. 1914, c. 26; 1914, c. 2, s. 4 am., c. 14, c. 21, s. 8 am.; 1917, c. 7 am.; 1919, c. 13, s. 10 am.; 1920, c. 10 am., c. 12, s. 11 aff.; 1921, c. 11 am.; 1922, c. 11 am.; 1924, c. 10 am.; 1927, c. 9 rep. and sub.
- MINING TAX TITLES VALIDITY ACT.** 1924, c. 22.
- MINORS' PROTECTION ACT.** R.S.O. 1914, c. 216; 1927, c. 71 rep. and sub.
- MINORS' TOBACCO SALES ACT.** R.S.O. 1914, c. 234; 1927, c. 71 rep. and sub.
- MONEY LENDERS.** *See* Ontario Money Lenders Act.
- MORTGAGE TAX.** 1918, c. 20, s. 70; 1919, c. 25, ss. 37, 44 aff.
- MORTGAGES.** *See* Mortgages Act; Mortgagors' and Purchasers' Relief Act; Short Forms of Mortgages Act; Bills of Sale and Chattel Mortgages Act.
- MORTGAGES ACT.** R.S.O. 1914, c. 112; 1915, c. 21 am.; 1924, c. 37 am.; 1926, c. 21, s. 30 am.
- MORTGAGORS' AND PURCHASERS' RELIEF ACT.** 1915, c. 22; 1916, c. 27 am.; 1917, c. 27, s. 59 am.; 1918, c. 26 am.; 1919, c. 25, s. 32 aff.; 1920, c. 38 am.
- MORTMAIN AND CHARITABLE USES ACT.** R.S.O. 1914, c. 103; 1914, c. 2, s. 4 am.; 1921, c. 46 am.; 1927, c. 28, s. 7 am.
- MOTHERS' ALLOWANCES ACT.** 1920, c. 89; 1921, c. 79 am.
- MOTOR VEHICLES.** *See* Highway Traffic Act.
- MOVING PICTURES.** *See* Theatres and Cinematographs Act.
- MUNICIPAL ACT.** 1922, c. 72, c. 74, ss. 2, 3, 4 am.; 1923, c. 41 am.; 1924, c. 53 am.; c. 56, ss. 3, 4 am.; 1925, c. 44, s. 2 aff., c. 59 am.; 1926, c. 3, s. 23 aff., c. 15, ss. 15, 30, 33, 41, 64, 79 aff., c. 52 am., c. 62 aff., s. 15 am.; 1927, c. 61 am.
- MUNICIPAL AFFAIRS.** *See* Bureau of Municipal Affairs Act; Municipal Act.
- MUNICIPAL AND SCHOOL ACCOUNTS AUDIT ACT.** R.S.O. 1914, c. 200; 1920, c. 68 am.
- MUNICIPAL ARBITRATIONS ACT.** R.S.O. 1914, c. 199; 1916, c. 44 am.; 1917, c. 27, s. 33 am.; 1923, c. 46 am.; 1927, c. 28, s. 19 am.
- MUNICIPAL BOARD.** *See* Ontario Railway and Municipal Board Act.
- MUNICIPAL DEBENTURES GUARANTEE ACT.** 1917, c. 9; 1918, c. 20, ss. 66, 67 am.; 1919, c. 4 am.; 1920, c. 7 am.
- MUNICIPAL DRAINAGE ACT.** R.S.O. 1914, c. 198; 1914, c. 21, s. 44 am.; 1916, c. 43 am.; 1918, c. 20, s. 41 am.; 1919, c. 52 am.; 1920, c. 67 am.; 1922, c. 72, s. 296 (4) aff., c. 79 am.; 1927, c. 28, s. 18 am.
- MUNICIPAL DRAINAGE AID ACT.** R.S.O. 1914, c. 43; 1915, c. 20, s. 8 am.; 1916, c. 22 am.
- MUNICIPAL ELECTIONS.** *See* Disqualification Act; Municipal Act; Municipal Franchise Act; Railway Employees' Voting Act; Ontario Voters' Lists Act; Women's Municipal Franchise Act; Women's Municipal Qualification Act.
- MUNICIPAL ELECTRIC CONTRACTS ACT.** R.S.O. 1914, c. 205; 1927, c. 28, s. 21 rep.
- MUNICIPAL ELECTRIC RAILWAY ACT.** 1922, c. 69.; 1925, c. 57, s. 2 am.
- MUNICIPAL FRANCHISE ACT.** 1922, c. 74; 1923, c. 43 am.; 1924, c. 54 am.
- MUNICIPAL FRANCHISES ACT.** R.S.O. 1914, c. 197; 1915, c. 38 am.; 1919, c. 51 am.; 1927, c. 28, s. 17 am.
- MUNICIPAL GRANTS.** *See* Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes.
- MUNICIPAL HOUSING ACT.** 1920, c. 84.
- MUSEUM.** *See* Royal Ontario Museum Act.

N

- NATURAL GAS. *See* Natural Gas Conservation Act; Mining Tax Act, Part II.
- NATURAL GAS AND OIL WELLS ACT. R.S.O. 1914, c. 250; 1916, c. 57 am.; 1920, c. 12, s. 11 aff.; 1924, c. 75 am.
- NATURAL GAS CONSERVATION ACT. 1921, c. 17; 1922, c. 23 am.; 1924, c. 74 am.; 1925, c. 21, ss. 2-4 am., ss. 5-7 aff.
- NEGLECTED AND DEPENDENT CHILDREN. *See* Children's Protection Act.
- NEWFOUNDLAND, GRANT TO. 1914, c. 21, s. 68.
- NIAGARA. *See* Ontario Niagara Development Act.
- NIAGARA FALLS MAGISTRATES. *See* Magistrates Act.
- NIAGARA PARKS ACT. 1927, c. 24.
- MISSOURI (WEST) CONTINUATION SCHOOLS. 1914, c. 21, s. 58; 1916, c. 24, s. 38; 1917, c. 27, s. 47.
- NOTARIES ACT. R.S.O. 1914, c. 160; 1927, c. 28, s. 14 am.
- NORTHERN DEVELOPMENT ACT. 1926, c. 10.
- NORTHERN AND NORTHWESTERN ONTARIO DEVELOPMENT ACT. 1915, c. 6; 1916, c. 11 am.; 1917, c. 12, c. 13, c. 27, s. 66 am.; 1918, c. 8 am.; 1919, c. 14, c. 15 am.; 1921, c. 18; 1922, c. 18 am.; 1923, c. 8 am.; 1924, c. 14 am.; 1925, c. 19; 1926, c. 9, s. 2 aff., c. 10 am.; 1927, c. 13 aff.
- NORTHERN FIRE RELIEF ACT. 1923, c. 7.
- NORTHERN LIGHT RAILWAYS ACT. 1920, c. 152; 1921, c. 132 am.
- NORTHERN ONTARIO APPROPRIATION ACT. 1926, c. 9; 1927, c. 13 aff.
- NORTHERN ONTARIO. *See* Legislative Secretary for Northern Ontario Act; Northern Ontario Appropriation Act; Northern Development Act; Northern and North Western Ontario Development Act.
- NORTHERN ONTARIO FIRE RELIEF COMMITTEE ACT. 1923, c. 9.
- NOXIOUS WEEDS ACT. R.S.O. 1914, c. 253; 1916, c. 59 am.; 1920, c. 94 am.; 1926, c. 63, s. 22 (2) aff.; 1927, c. 81, rep. and sub.
- NURSES. *See* Registration of Nurses Act.

O

- OBSTRUCTIONS ON HIGHWAYS REMOVAL. *See* Highway Improvement Act.
- OFFENSIVE WEAPONS ACT. R.S.O. 1914, c. 239.
- OFFICIAL NOTICES' PUBLICATION ACT. R.S.O. 1914, c. 19; 1926, c. 21, s. 4 am.
- OIL WELLS. *See* Well Drillers' Act.
- ONE DAY'S REST IN SEVEN ACT. 1922, c. 93.
- ONTARIO ARCHITECTS ACT. R.S.O. 1914, c. 167; 1925, c. 52 am.
- ONTARIO COMPANIES ACT. R.S.O. 1914, c. 178; 1914, c. 29 am.; 1915, c. 20, s. 18 am.; 1916, c. 35 am.; 1917, c. 38 am.; 1918, c. 20, ss. 28-30 am.; 1919, c. 41 am.; 1920, c. 53 am.; 1921, c. 58 am., c. 62, s. 7 aff.; 1923, c. 37 am.; 1924, c. 47 am.; 1925, c. 53 am.; 1926, c. 48 am.
- ONTARIO COUNTERVOTED ELECTIONS ACT. R.S.O. 1914, c. 10; 1926, c. 4, s. 8 (2) aff.
- ONTARIO CULLERS ACT. R.S.O. 1914, c. 172; 1924, c. 46 rep. and sub.
- ONTARIO ELECTION ACT. 1926, c. 4.
- ONTARIO FARM LOANS ACT. 1921, c. 33; 1922, c. 37 am.
- ONTARIO FRANCHISE. *See* Ontario Voters' Lists Act.
- ONTARIO GAME AND FISHERIES ACT. R.S.O. 1914, c. 262; 1914, c. 46 am.; 1915, c. 20, s. 23 am.; 1916, c. 60 am.; 1917, c. 27, s. 37 am.; 1918, c. 48, c. 49 am., c. 50, s. 7 aff.; 1919, c. 72 am.; 1920, c. 97 am.; 1921, c. 87 am.; 1922, c. 97 am.; 1924, c. 80 am.; 1925, c. 76 am.; 1926, c. 64 am.; 1927, c. 86, rep. and sub.
- ONTARIO HABEAS CORPUS ACT. R.S.O. 1914, c. 84; 1926, c. 27 am.
- ONTARIO HIGHWAYS. *See* Highway Improvement Act.
- ONTARIO HOUSING ACT. 1919, c. 54, c. 25, ss. 42, 44 am.; 1920, c. 83 am.; 1927, c. 74 aff.
- ONTARIO INSURANCE ACT. 1924, c. 50; 1925, c. 54, ss. 2-40 am., s. 41 aff.; 1926, c. 49 am.; 1927, c. 59 am.

- ONTARIO LAND SURVEYORS ACT.** R.S.O. 1914, c. 165; 1914, c. 26 am.; 1917, c. 36 am.; 1919, c. 25, s. 22 am.; 1920, c. 49 am.; 1924, c. 44 am.; 1925, c. 51 am.
- ONTARIO LOAN ACTS.** 1917, c. 3; 1923, c. 2; 1924, c. 9; 1925, c. 2; 1926, c. 6; 1927, c. 2.
- ONTARIO MEDICAL ACT.** R.S.O. 1914, c. 161; 1914, c. 2, s. 4 am.; 1915, c. 27 am.; 1916, c. 24, s. 24 am.; 1918, c. 20, s. 26 am.; 1919, c. 25, ss. 20, 21, 44 am.; 1923, c. 35 am.; 1925, c. 48 am.; 1927, c. 95 aff.
- ONTARIO MONEY LENDERS ACT.** R.S.O. 1914, c. 175.; 1925, c. 56 am.
- ONTARIO NIAGARA DEVELOPMENT ACT.** 1916, c. 20; 1917, c. 21 am.
- ONTARIO PAROLE ACT.** 1917, c. 63; 1921, c. 92.
- ONTARIO PAWNBROKERS' ACT.** R.S.O. 1914, c. 176.
- ONTARIO PUBLIC SERVICE ACT.** R.S.O. 1914, c. 14; 1914, c. 21, ss. 2, 71 am.; 1915, c. 20, s. 1 am.; 1917, c. 27, s. 12 am.; 1918, c. 5 aff.; 1925, c. 10, ss. 2, 4 am., s. 3 aff.; 1926, c. 21, s. 3 am.
- ONTARIO PUBLIC SERVICE SUPERANNUATION ACT.** 1920, c. 4; 1921, c. 3 am.; 1922, c. 5 am; 1924, c. 7 am.; 1926, c. 21, s. 26 am.; 1927, c. 6 am.
- ONTARIO PUBLIC TRUSTEE ACT.** 1919, c. 32; 1921, c. 47, s. 2 am.; 1927, c. 36 sub.
- ONTARIO PUBLIC WORKS ACT.** R.S.O. 1914, c. 35; 1916, c. 19, s. 5 aff.; 1926, c. 15 s. 34 aff.
- ONTARIO RAILWAY ACT.** R.S.O. 1914, c. 185; 1914, c. 21, s. 40 am.; 1916, c. 31, s. 10 am.; 1917, c. 27, s. 31, c. 39 am.; 1918, c. 30 am.; 1919, c. 44 am.; 1920, c. 56 am.; 1922, c. 66 am., c. 67 am.; 1924, c. 51 am.
- ONTARIO RAILWAY AND MUNICIPAL BOARD ACT.** R.S.O. 1914, c. 186; 1915, c. 31 am.; 1916, c. 24, ss. 25, 26 am.; 1919, c. 25, ss. 25, 44 am.; 1922, c. 68 am., 1926, c. 21, s. 23 am.
- ONTARIO REFORMATORY ACT.** R.S.O. 1914, c. 287; 1914, c. 51 am.; 1915, c. 20, s. 24 am.; 1927, c. 28, s. 29 am.
- ONTARIO STALLION ACT.** R.S.O. 1914, c. 249; 1914, c. 44 am.; 1915, c. 20, s. 22 am.; 1924, c. 73 aff.; 1927, c. 28, s. 27 rep.
- ONTARIO SUMMARY CONVICTIONS ACT.** 1926, c. 31; 1927, c. 28, s. 37 am.
- ONTARIO TELEGRAPH ACT.** R.S.O. 1914, c. 180; 1927, c. 28, s. 16 am.
- ONTARIO TELEPHONE ACT.** R.S.O. 1914, c. 188; 1914, c. 32 am.; 1915, c. 33 am.; 1916, c. 38 am.; 1917, c. 40 am.; 1918, c. 31 rep.; 1919, c. 43 am.; 1921, c. 62 am.; 1922, c. 70 am.; 1924, c. 52 am.; 1925, c. 58 am.; 1926, c. 51 am.
- ONTARIO TEMPERANCE ACT.** 1916, c. 50; 1917, c. 50 am.; 1918, c. 40 am.; 1919, c. 60, c. 61, s. 2 am.; 1920, c. 78, c. 80 am.; 1921, c. 73 am.; 1922, c. 50, s. 9 am., c. 86 am., c. 87 aff.; 1924, c. 65 am., c. 66, s. 10 rep.; 1925, c. 67 am.; 1927, c. 70 rep.
- ONTARIO VOTERS' LISTS ACT.** 1926, c. 3; 1927, c. 5 am.
- OPTOMETRY ACT.** 1919, c. 39; 1920, c. 52 am.; 1925, c. 50 am.
- ORGANIZATION OF RESOURCES ACT.** 1916, c. 4; 1917, c. 27, ss. 61-63 am.
- OSGOODE HALL.** *See* Transfer of Documents to Provincial Archivist Act.
- OTTAWA SEPARATE SCHOOLS ACT.** 1915, c. 45; 1916, c. 24, s. 41 am.; 1917, c. 60 aff.
- OTTAWA SEPARATE SCHOOLS COMMISSION ACT.** 1917, c. 59.

P

- PAPER MILLS.** *See* Mills Licensing Act.
- PARENTS' MAINTENANCE ACT.** 1921, c. 52; 1927, c. 49 rep. and sub.
- PARKS.** *See* Burlington Beach Act; Provincial Parks Act; Public Parks Act; Niagara Parks Act.
- PAROLE.** *See* Ontario Parole Act.
- PARTITION ACT.** R.S.O. 1914, c. 114; 1927, c. 28, s. 8 am..
- PARTNERSHIP.** *See* Limited Partnership Act; Partnership Act; Partnership Registration Act.
- PARTNERSHIP ACT.** 1920, c. 41.
- PARTNERSHIP REGISTRATION ACT.** R.S.O. 1914, c. 139.
- PATRICIA ACT.** 1927, c. 4.
- PATRIOTIC PURPOSES.** *See* Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes.
- PAWNBROKERS.** *See* Ontario Pawnbrokers Act.
- PAYMENT OF INSURANCE ON LIVES OF SOLDIERS ACT.** 1920, c. 61.
- PEACE PRESERVATION.** *See* Public Works Peace Preservation Act.

- PETTY TRESPASS ACT. R.S.O. 1914, c. 111.
- PHARMACY ACT. R.S.O. 1914, c. 164; 1914, c. 21, s. 34 am.; 1915, c. 28 am.; 1917, c. 35 am.; 1920, c. 47 am.; 1923, c. 36 am.; 1924, c. 43 am.; 1927, c. 28, s. 15 am.
- PLANNING AND DEVELOPMENT ACT. 1917, c. 44, c. 30 aff.; 1918, c. 38 rep.; 1919, c. 53 am.; 1920, c. 60 am.; 1921, c. 65 am.; 1924, c. 58 am.; 1926, c. 54 am.
- POLICE. *See* Constables Act; County Board of Police Commissioners; Magistrates Act; Police Constables Bail Act; Police Magistrates Act; Police Magistrates Extended Jurisdiction Act; Provincial Police Force Act.
- POLICE CONSTABLES' BAIL ACT. R.S.O. 1914, c. 95.
- POLICE MAGISTRATES. *See* Magistrates Act.
- POLICE MAGISTRATES' EXTENDED JURISDICTION ACT. 1921, c. 42; 1922, c. 48, s. 2, rep.
- POLITICAL CONTRIBUTIONS ACT. 1914, c. 6.
- POOL ROOMS. *See* Minors' Protection Act.
- POPLAR PULP WOOD EXPORT ACT. 1919, c. 11.
- PORCUPINE RAND BELT ELECTRIC RAILWAY. 1914, c. 21, s. 70.
- PORT ARTHUR. *See* Fort William and Port Arthur Boundaries Act; Fort William Land Titles and Registry Office Act; Statute Law Amendment Act, 1917, c. 27, s. 71 am.
- POST-GRADUATE STUDY. *See* French Scholarship Act.
- POUNDS ACT. R.S.O. 1914, c. 247; 1925, c. 72 am.
- POWER. *See* An Act respecting the Filing of Claims against Certain Companies or their Properties; Central Ontario Power Act; Ontario Niagara Development Act; Power Commission Act; Power Commission and Companies Transfer Act; Toronto Power and Railway Purchase Act; Water Powers' Regulation Act; An Act to confirm an Agreement between The Hydro-Electric Power Commission of Ontario, the City of Toronto and the Toronto Harbour Commissioners; Power Commission Insurance Act.
- POWER COMMISSION ACT. R.S.O. 1914, c. 39; 1914, c. 16 am.; 1915, c. 19 am.; 1916, c. 19 am.; 1917, c. 20 am.; 1918, c. 14 am.; 1919, c. 16 am.; 1920, c. 18 am.; 1921, c. 20 am.; 1922, c. 31 am.; 1923, c. 12 aff.; 1924, c. 23 am.; 1925, c. 23, ss. 2-5 am., ss. 6, 7 aff., c. 29, s. 3 am.; 1926, c. 16, s. 3 am., c. 17, s. 2 am., s. 3 aff.; 1927, c. 17, rep. and sub.; c. 18 aff.; c. 20 aff.; c. 21 aff.
- POWER COMMISSION AND COMPANIES TRANSFER ACT. 1924, c. 24.; 1925, c. 24, s. 2 am., ss. 3-5 aff.
- POWER COMMISSION INSURANCE ACT. 1927, c. 21.
- POWERS OF ATTORNEY ACT. R.S.O. 1914, c. 106.
- PRESQU'ILE PARK ACT. 1922, c. 39; 1923, c. 6, s. 2 aff.
- PREVENTION OF ACCIDENTS BY FIRE IN HOTELS ACT. R.S.O. 1914, c. 237.
- PRISONS AND PUBLIC CHARITIES INSPECTION ACT. R.S.O. 1914, c. 301; 1916, c. 24, s. 47 am.; 1919, c. 32, s. 4, c. 83, s. 3 am.; 1925, c. 81 am.
- PRIVATE DETECTIVES ACT. 1926, c. 47.
- PRIVATE FOREST RESERVES ACT. 1919, c. 68.
- PRIVATE SANITARIUM ACT. R.S.O. 1914, c. 296; 1926, c. 71, s. 13 (1) (a) aff.
- PRIVY COUNCIL APPEALS ACT. R.S.O. 1914, c. 54; 1926 c. 21, s. 12 am.
- PROBATION ACT. 1922, c. 103.
- PROFESSIONAL ENGINEERS ACT. 1922, c. 59.
- PROHIBITION. *See* Temperance.
- PROPERTY AND CIVIL RIGHTS ACT. R.S.O. 1914, c. 101.
- PROTECTION OF BIRDS ACT. R.S.O. 1914, c. 263; 1918, c. 50, s. 7 aff.
- PROTECTION OF PURE-BRED CATTLE ACT. 1914, c. 43; 1927, c. 80 rep. and sub.
- PROTECTION OF CATTLE ACT. 1927, c. 80.
- PROVINCIAL AID TO DRAINAGE ACT. 1921, c. 28.
- PROVINCIAL AUCTIONEERS' LICENSE ACT. 1921, c. 57.
- PROVINCIAL HIGHWAY. *See* Highway Improvement Act.
- PROVINCIAL LAND TAX ACT. 1924, c. 13; 1925, c. 17, ss. 2, 3 am., s. 4 aff.; 1926, c. 7, ss. 2, 3 am.; 1927, c. 11 am.
- PROVINCIAL LOANS. *See* Loans.
- PROVINCIAL LOANS ACT. R.S.O. 1914, c. 21; 1914, c. 8 am.; 1915, c. 5 am.; 1919, c. 10 am.; 1920, c. 5 am.; 1921, c. 6 am.; 1922, c. 9 am., c. 10 am.; 1927, c. 7 am.

- PROVINCIAL PARKS ACT. R.S.O. 1914, c. 52; 1914, c. 21, s. 14 am.; 1919, c. 24 am.; 1927, c. 25 am.
- PROVINCIAL POLICE FORCE ACT. 1921, c. 45.
- PROVINCIAL STOCK. *See* Ontario Loan Act.
- PROVINCIAL WAR TAX ACT. 1915, c. 3; 1916, c. 10 am.; 1919, c. 5 am.
- PROVISIONAL COUNTY OF HALIBURTON. *See* Haliburton Act.
- PSYCHIATRIC HOSPITALS ACT. 1926, c. 71; 1927, c. 98 am.
- PUBLIC AND OTHER WORKS WAGES ACT. R.S.O. 1914, c. 142.
- PUBLIC AUTHORITIES' PROTECTION ACT. 1926, c. 30.
- PUBLIC BUILDINGS. *See* Egress from Public Buildings Act.
- PUBLIC COMMERCIAL VEHICLE ACT. 1927, c. 68.
- PUBLIC HEALTH. *See* Health.
- PUBLIC HEALTH ACT. R.S.O. 1914, c. 218; 1914, c. 21, ss. 46, 47 am.; 1915, c. 40 am.; 1916, c. 51 am.; 1917, c. 51 am.; 1918, c. 41 am.; 1919, c. 25, ss. 30, 44, c. 62 am.; 1920, c. 81; 1921, c. 74 am.; 1922, c. 88 am.; 1923, c. 52 am.; 1924, c. 68 am., c. 69, s. 6 aff., s. 8 am., c. 83, s. 4 am.; 1925, c. 69 am.; 1927, c. 73 rep. and sub.
- PUBLIC INQUIRIES ACT. R.S.O. 1914, c. 18; 1921, c. 4 am.
- PUBLIC INSTITUTIONS AMENDMENT ACT. 1919, c. 83; 1926, c. 71, s. 20 aff.
- PUBLIC LANDS ACT. R.S.O. 1914, c. 28; 1914, c. 2, s. 4 am.; 1915, c. 20, s. 3 am.; 1916, c. 11, s. 5 aff.; 1917, c. 10 am.; 1920, c. 12, s. 6 am., s. 8 aff.; 1921, c. 15 am.; 1922, c. 16 am.; 1925, c. 18 am., 1926, c. 8 am., c. 21, s. 6 am.
- PUBLIC LIBRARIES ACT. R.S.O. 1914, c. 202; 1916, c. 45 am.; 1919, c. 25, ss. 26-29 am.; 1920, c. 69 rep. and sub.; 1925, c. 63 am.; 1926, c. 56 am.
- PUBLIC OFFICERS ACT. R.S.O. 1914, c. 15; 1914, c. 2, s. 4 am.
- PUBLIC OFFICERS' FEES ACT. R.S.O. 1914, c. 17; 1914, c. 2, s. 4 am., c. 21, s. 5 am.; 1915, c. 20, s. 2 am.; 1917, c. 27, ss. 4, 5 am.; 1922, c. 7 am.; 1924, c. 8 am.
- PUBLIC PARKS ACT. R.S.O. 1914, c. 203; 1914, c. 2, s. 4 am.; 1920, c. 70 am.; 1921, c. 71 am.; 1926, c. 57 am.
- PUBLIC REVENUE ACT. R.S.O. 1914, c. 22.
- PUBLIC SCHOOLS ACT. 1920, c. 100; 1921, c. 89, ss. 4-10 am.; 1922, c. 98, ss. 4-17 am.; 1924, c. 82, ss. 3-13 am., c. 83, s. 3 am.; 1925, c. 78, ss. 3-7, 25 am.; 1926, c. 67, ss. 2, 3, 4 am. 1927, c. 88, ss. 3-7 am.
- PUBLIC SERVICE. *See* General Purchasing Agents Act; Ontario Public Service Act; Ontario Public Service Superannuation Act; Public Officers Act; Public Officers' Fees Act.
- PUBLIC SERVICE WORKS ON HIGHWAYS. 1925, c. 29; 1926, c. 16 am.; 1927, c. 23 rep. and sub.
- PUBLIC TRUSTEE ACT. 1927, c. 36 sub.
- PUBLIC UTILITIES ACT. R.S.O. 1914, c. 204; 1914, c. 2, s. 4, c. 35 am.; 1916, c. 24, s. 29 am.; 1917, c. 14, s. 13, c. 47 am.; 1920, c. 71, c. 73 am.; 1924, c. 61 am.; 1925, c. 64 am.; 1927, c. 28, s. 20 am.
- PUBLIC UTILITIES CORPORATIONS ACT. R.S.O. 1914, c. 189.
- PUBLIC VEHICLE ACT. 1923, c. 49; 1924, c. 63 am.; 1925, c. 66 am.; 1926, c. 58, s. 5 aff.; c. 59 am.; 1927, c. 67 am.
- PUBLIC WORKS. *See* Ontario Public Works Act.
- PUBLIC WORKS PEACE PRESERVATION ACT. R.S.O. 1914, c. 36.
- PULP. *See* Mills Licensing Act.
- PULPWOOD. *See* Export of Pulpwood Act; Poplar Pulpwood Export Act; Pulpwood Export Act.
- PULPWOOD EXPORT ACT. 1920, c. 14.
- PUNISHMENT FOR PERSONATION ACT. R.S.O. 1914, c. 9; 1917, c. 6, s. 18 am.
- PURCHASE OF TIMBER LIMITS OF THE PEMBROKE LUMBER COMPANY. 1914, c. 13.
- PURCHASING AGENT ACT. 1918, c. 7.
- PURE-BRED CATTLE. *See* Protection of Pure-Bred Cattle Act.

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QUEEN VICTORIA NIAGARA FALLS PARK ACT. R.S.O. 1914, c. 50; 1914, c. 2, s. 4 am.; 1915, c. 14 am.; 1917, c. 27, s. 16 am.; 1920, c. 31 am.; 1922, c. 38 am.; 1923, c. 18 am.; 1925, c. 32 am.; 1927, c. 24 rep. and sub.

QUEENSTON HEIGHTS PARK ACT. R.S.O. 1914, c. 51; 1927, c. 24 rep. and sub.

QUIETING TITLES ACT. R.S.O. 1914, c. 123.

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RACE TRACKS. *See* Corporations Tax Act.

RADIAL. *See* Railways.

RADIUM ACT. 1914, c. 15; 1920, c. 12, s. 11 aff.

RAILWAYS. *See* County of York Radial Railway Act; Guelph Railway Act; Hydro-Electric Railway Act; Municipal Electric Railway Act; Ontario Railway Act; Ontario Railway and Municipal Board Act; Railway Employees' and Commercial Travellers' Voting Act; Toronto Power and Railway Purchase Act; Toronto Radial Railway Act; Toronto Suburban Railway Company; Railway Fire Charge Act.

RAILWAY EMPLOYEES' AND COMMERCIAL TRAVELLERS' VOTING ACT. 1923, c. 44; 1924, c. 55 am.; 1925, c. 60 am.

RAILWAY EMPLOYEES' VOTING. *See* Railway Employees' and Commercial Travellers Voting Act.

RAILWAY FIRE CHARGE ACT. 1925, c. 16; 1927, c. 14 am.

RECEPTION HOSPITALS FOR THE INSANE. *See* Psychiatric Hospitals Act.

RECIPROCAL INSURANCE ACT. 1922, c. 62; 1924, c. 50, s. 275 rep.

RED LAKE MINING DIVISION ACT. 1926, c. 12.

REDEMPTION OF GOVERNMENT STOCK. *See* Ontario Loan Act.

REFINING OF METALS. *See* Metal Refining Bounty Act.

REFORESTATION. *See* Counties' Reforestation Act; Reforestation Act.

REFORESTATION ACT. 1921, c. 19; 1923, c. 10 am.; 1927, c. 12 rep. and sub.

REFORMATORY. *See* Ontario Reformatory Act.

REGISTRATION. *See* Brokers' Registration Act; Land Titles Act; Manhood Suffrage Registration Act; Partnership Registration Act; Registration of Nurses Act; Registry Act; Statute Law Amendment Act, 1918, c. 20, s. 70; 1919, c. 25, s. 37; Toronto Registry Office Act.

REGISTRATION OF NURSES ACT. 1922, c. 60.

REGISTRY ACT. R.S.O. 1914, c. 124; 1914, c. 23 am.; 1915, c. 6, s. 4, c. 20, s. 13 am.; 1916, c. 11, s. 5 aff.; c. 24, s. 20 am.; 1917, c. 27, ss. 25-27 am., c. 30, c. 32 am.; 1918, c. 27 am.; 1919, c. 25, ss. 16-19 am.; 1921, c. 49 am.; 1922, c. 2, s. 9 am.; 1923, c. 26 am., c. 27 aff.; 1924, c. 38 am.; 1925, c. 39, s. 2 am., ss. 3, 4 aff., c. 40, ss. 2, 3 aff.; 1927, c. 38 am.

RELIGIOUS INSTITUTIONS ACT. R.S.O. 1914, c. 286; 1920, c. 106 am.

REPLEVIN ACT. R.S.O. 1914, c. 69; 1920, c. 37 am.; 1926, c. 21, s. 14 am.

REPRESENTATION ACT. 1925, c. 7; 1926, c. 2 am.

RETURNED SOLDIERS' AND SAILORS' LAND SETTLEMENT ACT. 1917, c. 13; 1918, c. 8, s. 2 aff.; 1919, c. 15 aff.; 1920, c. 16 am.; 1921 c. 18 aff.; 1926, c. 9, s. 2 aff., c. 10, ss. 3, 6, 11, aff.; 1927, c. 13 aff.

REVISION OF STATUTES. *See* Statute Revision Amendment Acts, 1926, c. 21; 1927, c. 28.

REVENUE. *See* An Act for Raising Money on the Credit of the Consolidated Revenue Fund of Ontario; Consolidated Revenue Fund Act; Public Revenue Act.

RIOTS. *See* Public Works Peace Preservation Act.

RIVERS. *See* Beach Protection Act; Lakes and Rivers Improvement Act.

RIVERS AND STREAMS ACT. R.S.O. 1914, c. 130; 1915, c. 15; 1922, c. 55; 1927, c. 40 iep. and sub.

ROAD CONSTRUCTION. 1917, c. 27, s. 70.

ROADS. *See* Highways.

ROYAL ONTARIO MUSEUM ACT. R.S.O. 1914, c. 285; 1914, c. 50 am.; 1920, c. 12, s. 10 aff.; 1926, c. 70, am.

ROYAL AGRICULTURAL WINTER FAIR ASSOCIATION AND THE CITY OF TORONTO. 1926, c. 20; 1927, c. 26 aff.

RURAL HYDRO-ELECTRIC DISTRIBUTION ACT. 1921, c. 21; 1922, c. 32, s. 2 am., s. 3 aff.; 1923, c. 13 am.; 1924, c. 25, ss. 2, 3 am., s. 4 aff.; 1927, c. 19 rep. and sub.

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- SALARIES TO CERTAIN OFFICERS. 1918, c. 20, ss. 62, 64.
- SALE OF GOODS ACT. 1920, c. 40.
- SALE OF SECURITIES ACT. 1923, c. 38; 1924, c. 48.
- SALES. *See* Bulk Sales Act; Milk Sales Act; Sale of Goods Act; Conditional Sales Act.
- SANATORIA FOR CONSUMPTIVES ACT. R.S.O. 1914, c. 298; 1914, c. 56 am.; 1916, c. 24, s. 45 am.; 1917, c. 27, s. 56 am.; 1918, c. 20, s. 51 am.; 1919, c. 83, s. 13 am.; 1920, c. 109 am.; 1926, c. 72 am.
- SAW LOGS. *See* Ontario Cullers Act; Lakes and Rivers Improvement Act, Part VI.
- SAW LOGS DRIVING ACT. R.S.O. 1914, c. 131; 1914, c. 2, s. 4 am.; 1927, c. 40 rep. and sub.
- SAW MILLS. *See* Mills Licensing Act.
- SCHOOLS. *See* Education.
- SCHOOL ATTENDANCE ACT. 1919, c. 77; 1921, c. 89, ss. 19-26 am.; 1922, c. 98, s. 24 am.
- SCHOOL LAW AMENDMENT ACT. 1915, c. 43; 1916, c. 24, s. 39 am.; 1917, c. 27, s. 48 am.; 1918, c. 51 am.; 1919, c. 73 am.; 1920, c. 99 am.; 1921, c. 89 am., c. 90, s. 18 am.; 1922, c. 98 am.; 1924, c. 82 am.; 1925, c. 78 am.; 1926, c. 67 am.; 1927, c. 88 am.
- SCHOOL MEDICAL AND DENTAL INSPECTION ACT. 1924, c. 83.
- SCHOOL SITES ACT. R.S.O. 1914, c. 277; 1919, c. 73, s. 19 am.; 1920, c. 99, ss. 8, 9 am.; 1921, c. 91 am.; 1922, c. 100 am.; 1924, c. 82, s. 19 am.
- SCHOOL TRUST CONVEYANCES ACT. R.S.O. 1914, c. 278.
- SCHOOLS FOR THE DEAF AND BLIND ACT. R.S.O. 1914, c. 273; 1922, c. 98, s. 29 am.
- SECRETARY. *See* Legislative Secretary for Northern Ontario Act.
- SECURITIES. *See* Sale of Securities Act.
- SEDUCTION ACT. R.S.O. 1914, c. 72.
- SEPARATE SCHOOLS ACT. R.S.O. 1914, c. 270; 1914, c. 2, s. 4 am.; 1916, c. 24, s. 40 aff.; 1917, c. 27, s. 51 am.; 1919, c. 6 aff.; c. 73, s. 18 am.; 1920, c. 101 am.; 1922, c. 99 am.; 1927, c. 88, s. 15 aff.
- SETTLED ESTATES ACT. R.S.O. 1914, c. 74.; 1926, c. 21, s. 16 am.
- SHEEP. *See* Dog Tax and Sheep Protection Act.
- SHERIFFS ACT. R.S.O. 1914, c. 16; 1914, c. 21, ss. 3, 4 am.; 1918, c. 20, ss. 7, 8 am.; 1922, c. 6 am.; 1924, c. 7, s. 4 aff.; 1926, c. 21, s. 28 am.
- SHEVLIN-CLARKE TIMBER LICENSE ACT. 1922, c. 20.
- SHORT FORMS OF CONVEYANCES ACT. R.S.O. 1914, c. 115.
- SHORT FORMS OF LEASES ACT. R.S.O. 1914, c. 116.
- SHORT FORMS OF MORTGAGES ACT. R.S.O. 1914, c. 117; 1927, c. 28, s. 9 am.
- SHOWS. *See* Travelling Shows Act.
- SNOW FENCES ACT. R.S.O. 1914, c. 211; 1916, c. 48 am.
- SNOW ROADS ACT. R.S.O. 1914, c. 208.
- SOLDIERS. *See* An Act to confer Certain Provisions respecting Hospitals on the Lieutenant-Governor in Council; Payment of Insurance on Lives of Soldiers Act; Returned Soldiers' and Sailors' Land Settlement Act; Soldiers' Aid Commission Act; Soldiers' Children's Protection Act; Soldiers' and Sailors' Proof of Death Act.
- SOLDIERS' AID COMMISSION ACT. 1916, c. 3; 1917, c. 27, s. 60 am.; 1919, c. 25, ss. 34, 44 am.; 1920, c. 29 am.; 1922, c. 40 am.
- SOLDIERS' CHILDREN'S PROTECTION ACT. 1920, c. 29.
- SOLDIERS' AND SAILORS' PROOF OF DEATH ACT. 1919, c. 30; 1921, c. 40 am.
- SOLEMNIZATION OF MARRIAGE. *See* Marriage Act.
- SOLICITORS ACT. R.S.O. 1914, c. 159; 1920, c. 45 am.; 1927, c. 28, s. 13 am.
- SPECIAL CLASSES ACT. R.S.O. 1914, c. 272; 1914, c. 49, s. 14 rep.
- STALLIONS. *See* Ontario Stallion Act.
- STAMFORD, TOWNSHIP OF. *See* Township of Stamford and Hydro-Electric Power Commission Act.
- STANDARD HOTEL REGISTRATION ACT. 1923, c. 50.
- STATIONARY ENGINEERS. *See* Stationary and Hoisting Engineers Act.
- STATIONARY AND HOISTING ENGINEERS ACT. 1919, c. 37; 1920, c. 50 am.; 1921, c. 56 am.; 1927, c. 55 rep. and sub.
- STATUTE OF FRAUDS. R.S.O. 1914, c. 102; 1916, c. 24, s. 19 am.; 1918, c. 20, s. 58 am.; 1920, c. 40, s. 59 am.

- STATUTE LABOUR ACT. R.S.O. 1914, c. 196; 1916, c. 42 am.; 1917, c. 46 am.; 1918, c. 35 am.; 1920, c. 65 am.; 1921, c. 69 am.; 1927, c. 64 am.
- STATUTES ACT. R.S.O. 1914, c. 2; 1918, c. 20, ss. 1, 2 am.; 1925, c. 6 am.
- STATUTE REVISION AMENDMENT ACT. 1926, c. 21; 1927, c. 28.
- STEAM BOILER ACT. R.S.O. 1914, c. 252; 1916, c. 13, s. 9 aff., c. 58 am.; 1918, c. 20, ss. 45, 46 am.; 1922, c. 95 am.
- STEAM THRESHING ENGINES ACT. R.S.O. 1914, c. 251.
- STENOGRAPHIC REPORTERS ACT. R.S.O. 1914, c. 168.
- SUBURBAN AREAS. *See* City and Suburbs Plans Act; Planning and Development Act; Suburban Area Development Act.
- SUBURBAN AREA DEVELOPMENT ACT. 1921, c. 66; 1922, c. 77 am.
- SUCCESSION DUTY ACT. R.S.O. 1914, c. 24; 1914, c. 2, s. 4, c. 10 am.; 1915, c. 7 am.; 1916, c. 7 am.; 1917, c. 27, ss. 7, 8 am.; 1918, c. 6 am.; 1919, c. 9 am.; 1920, c. 8 am.; 1921, c. 10 am.; 1925, c. 13 am.
- SUDSBURY, OTTAWA AND PRESCOTT HIGHWAY. 1915, c. 20, s. 29.
- SULPHUR FUMES. *See* Damage by Fumes Arbitration Act.
- SUMMARY CONVICTIONS. *See* Ontario Summary Convictions Act.
- SUPERANNUATION. *See* Ontario Public Service Superannuation Act; Teachers' and Inspectors' Superannuation Act.
- SURROGATE COURTS ACT. R.S.O. 1914, c. 62; 1914, c. 2, s. 4 am.; 1916, c. 28 am.; 1917, c. 28 am.; 1918, c. 22 am.; 1919, c. 27 am.; 1920, c. 33 am.; 1921, c. 47, ss. 4, 5 am.; 1922, c. 44 am.; 1925, c. 33 am.; 1926, c. 23 am.; 1927, c. 31 am.
- SURVEYS ACT. 1920, c. 48; 1924, c. 45 am.; 1927, c. 54 am.
- SURVEYORS. *See* Ontario Land Surveyors Act.
- SWARMS OF BEES ACT. R.S.O. 1914, c. 107.

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- TAX ON REGISTRATION OF MORTGAGES. 1918, c. 20, s. 70; 1919, c. 25, s. 37 am.
- TAXATION. *See* Amusements Tax Act; Corporations Tax Act; Department of Mines Act; Gasoline Tax Act; Land Transfers Tax Act; Luxury Tax Act; Mining Tax Act; Mining Tax Titles Validity Act; Provincial Land Tax Act; Railway Fire Charge Act; Succession Duty Act.
- TEACHERS' AND INSPECTORS' SUPERANNUATION ACT. 1917, c. 58; 1918, c. 51, ss. 6-11, 13 am.; 1919, c. 74 am.; 1920, c. 99, s. 10 am.; 1921, c. 89, ss. 17, 18 am.; 1922, c. 98, ss. 25-28 am.; 1924, c. 7, s. 7 aff.; 1925, c. 78, ss. 23, 24 am.; 1927, c. 89 rep. and sub.
- TECHNICAL EDUCATION. *See* Industrial Education; Technical Education Act; Vocational Education Act.
- TECHNICAL EDUCATION—SALARY OF DIRECTOR. 1918, c. 20, s. 62.
- TECHNICAL EDUCATION ACT. 1920, c. 102; 1922, c. 98, s. 22 aff.
- TELEGRAPH. *See* Ontario Telegraph Act.
- TELEPHONE. *See* Ontario Telephone Act; Telephone Amendment Act.
- TELEPHONE AMENDMENT ACT. 1915, c. 33.
- TEMISKAMING COURTS ACT. 1921, c. 39; 1922, c. 2, s. 13 rep.
- TEMISKAMING AND NORTHERN ONTARIO RAILWAY ACT. R.S.O. 1914, c. 38; 1914, c. 2, s. 4 am.; 1915, c. 20, ss. 5, 6 am.; 1917, c. 27, s. 13 am.; 1918, c. 20, s. 9 am.; 1919, c. 25, s. 5 am.; 1925, c. 22 am.; 1927, c. 16 rep. and sub.
- TEMISKAMING AND NORTHERN ONTARIO RAILWAY EXTENSION ACT. 1920, c. 17.
- TEMPERANCE. *See* Liquor Control Act.
- TERRITORIAL DIVISIONS ACT. R.S.O. 1914, c. 3; 1914, c. 2, s. 4, c. 3 am.; 1917, c. 27, s. 1 am.
- THEATRES AND CINEMATOGRAPHS ACT. R.S.O. 1914, c. 236; 1914, c. 21, s. 53 am.; 1915, c. 20, s. 21 am.; 1916, c. 24, ss. 31, 32 am.; 1917, c. 27, ss. 34-35 am.; 1918, c. 20, ss. 43, 44 am.; 1919, c. 66 am.
- THRESHING MACHINES. *See* Steam Threshing Machines Act; Threshing Machines Act.
- THRESHING MACHINES ACT. R.S.O. 1914, c. 238; 1927, c. 28, s. 25 am.
- TICKET SPECULATION ACT. 1914, c. 39.
- TILE DRAINAGE ACT. R.S.O. 1914, c. 44; 1914, c. 18; 1916, c. 23 am.; 1917, c. 24 am.; 1918, c. 20, s. 10 am.; 1920, c. 26 am.; 1923, c. 14 am.

- TIMBER. *See* Ontario Cullers' Act.
- TIMBER-CUTTING PRIVILEGES ACT. 1922, c. 19.
- TIMBER LIMITS. *See* Crown Timber Act; Purchase of Timber Limits of the Pembroke Lumber Company Act; Shevin-Clarke Timber License Act; Timber-Cutting Privileges Act.
- TIMBER SLIDE COMPANIES ACT. R.S.O. 1914, c. 181; 1921, c. 59 am.; 1927, c. 40 rep and sub..
- TIMMINS, TOWN OF—DEBENTURES OF SEPARATE SCHOOL BOARD. 1917, c. 27, s. 69; 1918, c. 20, s. 59 am. *See* Debentures Guarantee Act, 1924; Debentures Guarantee Amendment Act, 1925.
- TINY—TOWNSHIP OF, AUTHORIZED TO PURCHASE LANDS FROM CROWN. 1916, c. 24, s. 52.
- TISDALE, TOWNSHIP OF. *See* Municipal Debentures Guarantee Act.
- TOLL ROADS ACT. R.S.O. 1914, c. 210; 1919, c. 58 am.; 1927, c. 28, s. 22 rep.
- TOLLS EXEMPTION ACT. R.S.O. 1914, c. 209.
- TORONTO BOARD OF EDUCATION ACT. 1915, c. 44.
- TORONTO CONSERVATORY OF MUSIC—AGREEMENT WITH UNIVERSITY OF TORONTO. 1919, c. 79; 1927, c. 93 am.
- TORONTO GENERAL HOSPITAL ACT. R.S.O. 1914, c. 299; 1918, c. 20, ss. 52, 53 am.
- TORONTO AND HAMILTON HIGHWAY COMMISSION ACT. 1925, c. 27, s. 5 rep. *See* Highway Improvement Act.
- TORONTO POWER AND RAILWAY PURCHASE ACT. 1921, c. 23.
- TORONTO RADIAL RAILWAY ACT. 1921, c. 24; 1925, c. 57, ss. 6, 7 am.; 1927, c. 58 aff.
- TORONTO REGISTRY OFFICE ACT. 1923, c. 27.
- TORONTO SUBURBAN RAILWAY COMPANY ACT. 1922, c. 35.
- TORONTO AND YORK CROWN ATTORNEYS ACT. 1921, c. 44.
- TOWN SITES ACT. R.S.O. 1914, c. 34; 1922, c. 25 am.; 1926, c. 21, s. 8 am.
- TOWNSHIP OF STAMFORD AND HYDRO-ELECTRIC POWER COMMISSION ACT, 1927. 1927, c. 20.
- TOWNSHIP OF WHITNEY DEBENTURES ACT. 1924, c. 2.
- TRACTION ENGINES ACT. R.S.O. 1914, c. 212; 1916, c. 49, s. 9 am.; 1923, c. 48, s. 67 rep.
- TRADE DISPUTES ACT. R.S.O. 1914, c. 145.
- TRADES AND LABOUR BRANCH ACT. 1916, c. 13; 1917, c. 15 am.; 1918, c. 20, s. 56 am.; 1919, c. 22 aff.; 1921, c. 77 am.; 1927, c. 27 rep. and sub.
- TRANSFER OF PROPERTY. *See* Conveyancing and Law of Property Act; Land Titles Act; Registry Act; Short Forms of Conveyances Act.
- TRANSFER OF RECORDS TO PROVINCIAL ARCHIVIST. 1916, c. 25.
- TRAVELLING SHOWS ACT. R.S.O. 1914, c. 214; 1914, c. 21, s. 45 am.; 1915, c. 20, s. 20 am.; 1920, c. 77 am.; 1922, c. 84 am.
- TREE PLANTING ACT. R.S.O. 1914, c. 213; 1927, c. 69 rep. and sub.
- TRUANCY ACT. R.S.O. 1914, c. 274; 1914, c. 21, ss. 62, 63 am.; 1917, c. 27, ss. 52-54 am.; 1919, c. 77 am.
- TRUSTEE ACT. 1926, c. 40.
- TRUST CORPORATIONS. *See* Loan and Trust Corporations Act.

U

- UNEMPLOYMENT. *See* An Act respecting Works and Measures to relieve Unemployment; Unemployment Special Rate Act.
- UNEMPLOYMENT SPECIAL RATE ACT. 1925, c. 44.
- UNIVERSITY ACT. R.S.O. 1914, c. 279; 1914, c. 21, s. 64 am.; 1916, c. 63 am.; 1918, c. 20, s. 50, c. 53 am.; 1919, c. 79; 1922, c. 101 am.; 1924, c. 85 am.; 1926, c. 68 am.
- UNIVERSITY AID ACT. 1918, c. 53; 1926, c. 69 aff.
- UNIVERSITY LANDS ACT. 1926, c. 14.
- UNIVERSITY OF TORONTO—AGREEMENT WITH TORONTO CONSERVATORY OF MUSIC. 1919, c. 79; 1927, c. 93 am.
- UNORGANIZED TERRITORY. *See* Provincial Land Tax.
- UPPER CANADA COLLEGE ACT. R.S.O. 1914, c. 280; 1916, c. 24, s. 43 am.; 1918, c. 54 am.; 1919, c. 80 am.; 1922, c. 102 am.
- UNWRUGHT METAL SALES ACT. 1924, c. 20; 1926, c. 13 am.

V

- VACANT LAND CULTIVATION ACT. 1918, c. 39; 1919, c. 56 am.; 1920, c. 66 rep.
 VACCINATION ACT. R.S.O. 1914, c. 219.
 VEGETABLES. *See* Fruit and Vegetables Consignment Act.
 VEHICLES. *See* Public Vehicles Act; Public Commercial Vehicles.
 VENDORS AND PURCHASERS ACT. R.S.O. 1914, c. 122; 1926, c. 41 am.; 1927, c. 37 am.
 VENEREAL DISEASES PREVENTION ACT. 1918, c. 42; 1920, c. 82 am.; 1922, c. 89 am.
 VETERANS' LAND GRANT ACT. 1901, c. 6; 1920, c. 15; 1922, c. 17 am.
 VETERINARY COLLEGE ACT. R.S.O. 1914, c. 282; 1919, c. 81 am.
 VETERINARY SCIENCE PRACTICE ACT. 1920, c. 51; 1926, c. 21, s. 27 am.
 VETERINARY SURGEONS ACT. 1920, c. 51.
 VEXATIOUS ACTIONS. *See* Public Authorities Protection Act.
 VITAL STATISTICS ACT. 1919, c. 23; 1926, c. 21, s. 25 am.; 1927, c. 28, s. 34 am.
 VOCATIONAL EDUCATIONAL ACT. 1921, c. 90; 1922, c. 98, s. 22 aff.; 1924, c. 82, s. 18 am.;
 1926, c. 67, s. 7 am.; 1927, c. 88, s. 13 am.
 VOTERS' LISTS. *See* Ontario Voters' Lists Act.

W

- WAGES ACT. R.S.O. 1914, c. 143; 1920, c. 42 am.; 1925, c. 42 am.; 1927, c. 45 am.
 WAGES ON PUBLIC WORKS. *See* Public and Other Works Wages Act.
 WAGES—WOMEN AND GIRLS. *See* Minimum Wage Act.
 WALKERTON AGRICULTURAL SOCIETY. *See* Agricultural Societies Act.
 WAREHOUSEMEN'S LIEN ACT. 1924, c. 39.
 WAR TAX. *See* Provincial War Tax Act.
 WATER POWERS' REGULATION ACT. 1916, c. 21; 1917, c. 22 am.; 1918, c. 20, s. 57 am.; 1920,
 c. 19 am.
 WATER PRIVILEGES ACT. R.S.O. 1914, c. 129; 1927, c. 40 rep. and sub.
 WEED CONTROL ACT. 1927, c. 81.
 WELL DRILLERS' ACT. 1924, c. 75.
 WESTMINSTER CONTINUATION SCHOOL ACT. 1924, c. 84.
 WHARFS AND HARBOURS ACT. R.S.O. 1914, c. 182.
 WHITNEY. *See* An Act to Provide for the Payment of an Annuity to Alice, Lady Whitney.
 WHITNEY, TOWNSHIP OF. *See* Township of Whitney Debentures Act.
 WILLS ACT. R.S.O. 1914, c. 120; 1914, c. 21, s. 27 am.; 1919, c. 25, s. 15, c. 29 am.; 1926,
 c. 39 am.
 WINTER FAIR ACT. 1926, c. 20; 1927, c. 26 aff.
 WITNESSES. *See* Evidence Act.
 WIVES. *See* Deserted Wives' Maintenance Act; Dower Act.
 WOLF BOUNTY ACT. 1924, c. 81; 1925, c. 77 am.; 1927, c. 87 am.
 WOMEN'S ASSEMBLY QUALIFICATION ACT. 1919, c. 8.; 1926, c. 5, s. 2 am.
 WOMEN'S MUNICIPAL FRANCHISE ACT. 1917, c. 43; 1922, c. 72, s. 538, (1) (g) am.
 WOMEN'S MUNICIPAL QUALIFICATION ACT. 1919, c. 47.
 WOMEN'S RURAL SCHOOL BOARD QUALIFICATION. *See* Public Schools Act.
 WOODMAN'S LIEN FOR WAGES ACT. R.S.O. 1914, c. 141.
 WORKMEN'S COMPENSATION ACT. 1914, c. 25; 1915, c. 24 am.; 1916, c. 31 am.; 1917, c. 34 am.;
 1919, c. 34 am.; 1920, c. 43 am.; 1922, c. 56 am.; 1923, c. 31 am.; 1924, c. 41 am.; 1925,
 c. 43 am.; 1926, c. 42 am.; 1927, c. 46 am.
 WORKMEN'S COMPENSATION INSURANCE ACT. 1915, c. 25.
 WORKMEN'S COMPENSATION FOR INJURIES. *See* Workmen's Compensation Act.

Y

- YARMOUTH AND BELMONT AGRICULTURAL SOCIETY. *See* Agricultural Societies Act.
 YORK, COUNTY OF, HIGHWAY IMPROVEMENT PLAN FOR. 1918, c. 20, s. 69.

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